

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 001 - FOLDER 008

[2/28/1997 - 3/6/1997]

Withdrawal/Redaction Sheet

Clinton Library

| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|--------------------------------------------------------|------------|-------------|
| 001. email | Elena Kagan to Nicole Rabner re O-3 [partial] (1 page) | 03/02/1997 | P6/b(6) |

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[02/28/1997-03/06/1997]

2009-1006-F

kc210

RESTRICTION CODES

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

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

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

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

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

RR. Document will be reviewed upon request.

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

Question: Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, said this week that he lied about partial birth abortions -- that they're performed more frequently than pro-choice groups have acknowledged and that they're often performed on healthy women with healthy fetuses. In light of his statements, are you going to change your position?

Answer: No. My position remains what it has always been -- that so-called partial-birth abortions should be banned except when they are necessary to save the life of a woman or prevent serious harm to her health.

Nothing Mr. Fitzsimmons has said conflicts with that position. I've never claimed that partial-birth abortions are used only to prevent death or serious harm. What I've said is that when the procedure is necessary for these reasons -- in those few cases when there are tragic circumstances involving serious harm the woman -- a doctor must be allowed to perform it. But when the procedure isn't necessary for these reasons, a doctor should not be allowed to perform it.

So I will say again what I've said before: that I will sign a bill banning partial-birth abortions, but only if it has an exception that will protect those women -- even if few in number -- who need this procedure to save their lives or prevent serious harm to their health.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-FEB-1997 19:35:07.00

SUBJECT: Re: Federal hiring of welfare recipients

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

READ:UNKNOWN

TEXT:

we've got a memo from opm detailing some options. we're going to try to do a recommendation memo within the next few days with a package of proposals that should facilitate a welfare-to-work effort within the federal government.

Withdrawal/Redaction Marker

Clinton Library

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

[001]

CREATION DATE/TIME: 2-MAR-1997 11:50:49.00

SUBJECT: 0-3

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

TEXT:

Could you call Joel Packer from the NEA on the 0-3 Conference? He called Mike Cohen to find out about it. His number is P6(b)(6) Thanks.

March 1, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed, Assistant to the President for Domestic Policy
Eric Goosby, Interim Director, ONAP

RE: Update on Status of Needle Exchange Programs

There have been a number of recent events involving needle exchange programs. On February 13, a National Institutes of Health Consensus Conference Statement recommended lifting the ban on use of federal funds for needle exchange programs. On February 18, HHS sent a Congressionally requested report to the Senate Appropriations Committee reviewing the scientific data on needle exchange programs to date. This memo provides background to put the issue in context and discusses these recent events.

Current Statute. There are three statutory restrictions on the use of federal funds for needle exchange programs. (1) The Substance Abuse and Mental Health (SAMHSA) block grant prohibits use of federal funds for needle exchange unless the Surgeon General determines that needle exchange is effective in reducing the spread of HIV and the use of illegal drugs. The statute does permit federal research and evaluation of existing needle exchange programs. (2) The 1996 Ryan White CARE Act reauthorization places a flat prohibition on the use of Ryan White funds for needle exchange. (3) The Labor/HHS Appropriations bill prohibits funding of needle exchange unless the Secretary determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

Epidemiology of HIV Infection. Thirty six percent of AIDS cases are directly or indirectly caused by IV drug use. Up to fifty percent of new HIV infections may be related to IV drug use. The effects of IV drug use have become a driving force in the HIV epidemic.

Number of Needle Exchange Programs. There are over 100 needle exchange programs in the US, with most programs operating in two or more sites. As of 1995, twenty one States had local needle exchange programs.

Federally Sponsored Research. The National Institute on Drug Abuse (NIDA) at NIH has funded 15 demonstration projects to evaluate the impact of needle exchange programs on rates of HIV infection and patterns of drug use (including the effectiveness of these programs as gateways

to substance abuse treatment). Only two of the 15 studies are completed at this time. There has also been a significant amount of privately funded research on needle exchange programs through foundations and other nonprofit groups.

State and Local Government. At its most recent meeting, the National Governors Association passed a resolution stating: "Federal restrictions or requirements on the use of available funding interfere with the ability of States to develop comprehensive prevention strategies." The Association of State and Territorial Health Officers (ASTHO) passed the following resolution in December 1995: "The federal government should repeal the ban on the use of federal funds for needle exchange services to allow interested States and localities the financial flexibility to support successful prevention and treatment initiatives within their jurisdictions." The US Conference of Mayors also supports lifting the ban on use of federal funds for needle exchange.

HHS Report to Senate Appropriations. Report language was included in the September 1996 Senate L/HHS Appropriations bill requesting that HHS provide a report on the status of current research projects, an itemization of previously funded research, and findings-to-date regarding the efficacy of needle exchange programs for reducing HIV transmission and not encouraging illegal drug use. The report prepared by HHS reviewed all published studies of US needle exchange programs, including one by the Institute of Medicine; it did not attempt to determine if the Congressional standard has been met for lifting the ban on federal funding. The summary section of the report contains the following: "Overall these studies indicate that needle exchange programs can have an impact on bringing difficult to reach populations into systems of care that offer drug dependency services, mental health, medical and support services. These studies also indicate that needle exchange programs can be an effective component of a comprehensive strategy to prevent HIV and other blood borne infectious diseases in communities that choose to include them."

NIH Consensus Conference. A NIH Consensus Development Conference on Interventions to Prevent HIV Risk Behaviors was held February 11-13, 1997. This conference was developed and directed by a non-Federal panel of experts, predating the Congressional request for an HHS report. The resulting Consensus Conference Statement is an independent report of an expert panel, not a policy statement of the NIH. This Statement, released on February 13, concluded that needle exchange programs are effective in reducing both HIV transmission and IV drug use and recommended lifting the legislative restrictions on needle exchange programs.

Analysis of Evidence on Needle Exchange Programs and IV Drug Use. The preponderance of data collected so far suggests a stable or declining level of drug use among needle exchange participants. About half of the studies on the effects of needle exchange show a decline in drug use. Two studies show an increase in drug use, but these studies have been discounted by expert panels as outliers. In addition, almost all studies indicate that needle exchange program participants tend to be older (median age 33 to 41 years old) and tend to be long-term users (duration of use 7 to 20 years). There is no data to suggest needle exchange programs increase

new initiates into drug use, and the age of participants often increases over time.

It is important to note, however, that most studies have methodological weaknesses, inherent to the population and subject, that are nearly impossible to overcome. These methodological problems include: 1) reliance upon individuals' self-reporting of drug use; 2) the difficulties of creating a control group that does not receive clean needles yet continues participating in the study; and 3) the difficulties of isolating the effects of needle exchange programs from the many other factors that may influence drug use in a given population.

The Administration's Response. HHS, ONDCP, and the White House jointly developed a response to questions about the HHS report and NIH Conference Statement. This response states that data on the effect of needle exchange programs in reducing HIV seroprevalence is solid, but that data on the effect of these programs on drug use patterns is less clear. The response further states that HHS will continue research efforts to evaluate new data on needle exchange programs and will work with the Congress on effective HIV prevention strategies. General McCaffrey strongly believes that the Administration should not challenge or raise questions about the current legislative restrictions on needle exchange programs.

Next Steps for HHS in Evaluating Effects on Drug Use. HHS will conduct a scientific review of the data presented at the NIH Consensus Conference. That data have not yet been through the peer review process required for publication, and need close examination. A second step will be an analysis of data already collected through the NIDA demonstration projects, which have not yet been specifically studied for effect on drug utilization patterns.

Congressional Climate and Community Expectations. The HHS report was released during the Congressional recess, and Hill reaction has been muted to date. This week Harold Varmus, Director of the NIH, received direct questions on needle exchange from Reps. Dickey (R-AR) and Wicker (R-MS) during a NIH Appropriations hearing. Secretary Shalala also received one question on lifting the federal funding ban prior to release of the report.

Both the House and Senate generally have punted the issue of needle exchange programs to HHS. The exception is last year's prohibition on use of Ryan White treatment funds for needle exchange programs, which passed unanimously. The Congressional response to any attempt to lift restrictions on funding likely would be hostile. The climate, however, may be softening somewhat. Senator Specter, Chair of the L/HHS Appropriations Subcommittee, has come to support needle exchange programs (Philadelphia has one of the largest); Rep. Rangel, once adamantly opposed to needle exchange, is reported to be shifting in his stance; and the state flexibility arguments advanced by NGA and ASTHO may also start to have an effect.

The AIDS community is united in seeking an end to the ban on federal funding of needle exchange programs. With some exceptions, however, the national AIDS organizations

understand the downside of demanding that the ban be lifted before the necessary educational and political groundwork is laid. What the community wants from the Administration at this point is not so much an immediate lifting of the restrictions as a strong indication that the Administration generally will let science guide policy in combating HIV transmission.

February 25, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
LYN HOGAN

SUBJECT: WELFARE-TO-WORK IN THE FEDERAL GOVERNMENT

As you know, the Office of Personnel Management (OPM) recently sent us a memo outlining numerous proposals for ensuring that federal agencies hire welfare recipients. Based on this memo and our conversations with OPM staff, we suggest the following package of measures.

1. Create a new hiring avenue for welfare recipients. Through executive order, you would create new excepted service hiring authority for welfare recipients. This new hiring track would provide welfare recipients with non-competitive service appointments (at any grade level), which the agency would convert to normal competitive service positions after two years of satisfactory performance. The executive order also would instruct agencies to provide employees in this hiring track with any necessary job-specific training, as well as with a mentor or peer counselor.

In considering this option, you should note that the federal government currently has five similar excepted service programs, each targeted to a specific group and boasting simplified hiring procedures: the Veteran's Readjustment Appointment Program; the Severely Handicapped Appointment Program; the Presidential Management Intern Program; the Student Career Experience Program; and the Worker-Trainee Program. As an alternative to creating a separate hiring track for welfare recipients, you could direct agencies to use the already existing Worker-Trainee Program; we are concerned, however, that this approach would not focus sufficient attention -- or effort -- on the need to hire welfare recipients.

Approve: _____

Disapprove _____

2. Call for performance goals and offer federal agencies incentives for hiring welfare recipients. Through executive order or memorandum, you would direct each federal agency to set, and transmit to you, hiring goals for welfare recipients. You also would require each agency to report monthly on its progress, and you would recognize, perhaps through a kind of honor roll, the federal agencies that succeed best in hiring people off welfare.

Approve: _____

Disapprove: _____

You also might consider calling for a legislative change that would provide agencies with

a monetary incentive to hire welfare recipients. Under current law, federal agencies cannot take advantage of subsidies offered to employers who hire welfare recipients, because agencies may not receive any unappropriated funds. A simple piece of legislation would allow federal agencies to accept and retain these subsidies, thus giving agencies the same incentives to hire welfare recipients as other employers. This proposal, however, might well provoke opposition, with some arguing that the states should not have to pay the federal government to put welfare recipients to work.

Approve: _____

Disapprove: _____

3. Adopt new ways to publicize federal job opportunities and match potential employees to job positions. Your executive order would direct OPM to initiate a system to inform state and local social service providers of federal job opportunities and to assist providers in matching welfare recipients to these opportunities. This system, in addition to making use of direct mailings, would focus on a range of on-line services, including: USAJOBS, OPM's employment information homepage which provides access to a full list of federal job openings and application materials; and USACAREERS, a new on-line career counseling system, ready for use in March, which can assist in matching welfare recipients to suitable positions in the federal government.

A recent NGA/APWA survey found that approximately 40 percent of welfare caseworkers now have access to such internet services. HHS estimates that hooking up the remaining caseworkers would cost about \$35 million over two years, including maintenance and training. You could direct that HHS, working with GSA, undertake this responsibility (assuming OMB could find this small amount of money). Making sure that state and local social service providers have access to these new technologies would assist not only the federal government, but also other employers in hiring welfare recipients.

Approve: _____

Disapprove: _____

4. Provide needed services to welfare recipients. You could take several actions to help welfare recipients keep their jobs by providing them with supporting services. First, you could direct agencies to offer public transportation subsidies to low-income employees under the existing Federal Fare Subsidy Program. Very few agencies now use this program because the cost of subsidizing public transportation costs for all employees is prohibitive. You could make clear that agencies have legal authority to offer graduated subsidies based on income and direct agencies to do so. Subsidies would come out of the participating agency's appropriations and go directly into the employee's paycheck. Second, you could instruct agencies to determine the feasibility of establishing more agency-sponsored child care centers and report back to you on their findings. Third, you could direct agencies to inform all employees eligible for the EITC of both their eligibility and their ability to get EITC monies each month in their paychecks.

Approve: _____

Disapprove: _____

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAR-1997 19:25:35.00

SUBJECT: Re: pediatric drug labeling

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

TEXT:

Yes, I would like DPC to manage this. I know that Elizabeth has looked into it; the two of you should talk about how to proceed.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAR-1997 11:55:33.00

SUBJECT: gi bill lrm

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

READ:UNKNOWN

TEXT:

Could you check carefully the description of our welfare-to-work plan in Labor's proposed testimony on the gi bill? I suspect you'll find some things to complain about. let me know. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAR-1997 12:21:18.00

SUBJECT: Re: Early childhood

TO: Carol_Rasco (Carol_Rasco @ ed.gov @ INET @ LNGTWY [UNKNOWN])
READ:UNKNOWN

TEXT:

carol -- sorry we haven't hooked up; for a time, i couldn't get through to you on e-mail; i left a message for you on youe chief of staff's voice mail, but perhaps you never got it. I think you're right about the interagency group:as long as you can do without it for now, i'd rather not introduce an overlapping group. But it's not a big deal, so if such a group would help you, you should feel free to start it. More broadly, I'd love your advice on the 0-3 conference, which is arousing great excitement and scarily high expectations. Talk to you soon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAR-1997 11:52:22.00

SUBJECT: hate crimes report

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

READ:UNKNOWN

TEXT:

Could you get me a copy of the Leadership Conference's hate crimes report? The copy you gave Bruce is missing every other page. I'd love to have it by this afternoon, so I can go to Sylvia's 5:00 meeting semi-prepared. Thanks very much.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAR-1997 15:02:05.00

SUBJECT: aids memo

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

READ:UNKNOWN

TEXT:

I've asked Eric to review the latest version of the AIDS memo, which combines the two memos he sent. I did almost no editing on the material in the original memo, but tried to condense the material in the second memo a fair bit. I asked him to make sure that in doing so, I didn't distort his meaning or leave out anything important.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAR-1997 11:53:51.00

SUBJECT: child support lrm

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

TEXT:

Have you reviewed the child support lrm? Is there anything to worry about?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAR-1997 12:16:52.00

SUBJECT: Re: Miscellaneous Decision issues

TO: Diane C. Regas (CN=Diane C. Regas/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

OK on 1,2, and 3; anytime on 4.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAR-1997 15:04:05.00

SUBJECT: Re: hate crimes report

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

READ:UNKNOWN

TEXT:

thanks, that's great.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-MAR-1997 12:16:04.00

SUBJECT: Welfare reg's

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

READ:UNKNOWN

TEXT:

fyi. I said yes.

----- Forwarded by Elena Kagan/OPD/EOP on 03/02/97 12:17
PM -----

From: Kenneth S. Apfel on 02/28/97 06:17:07 PM

Record Type: Record

To: Sally Katzen/OMB/EOP, Elena Kagan/OPD/EOP

cc: Keith J. Fontenot/OMB/EOP

Subject: Welfare reg's

Over the next half year or so, HHS is gonna put out a bucketful of regulations on TANF. I think we need to set up some kind of a pre-consultation process with hhs so we can handle problems early and expedite action. Does it make sense for us to get together - - possibly with HHS - - to talk through how best to handle?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 19:52:52.00

SUBJECT: Re: OPM Proposal

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

TEXT:
they shouldn't show labor the memo. they can talk to labor about the
issues.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 20:03:26.00

SUBJECT: Re: A suggestion...

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

TEXT:
nope

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 11:12:46.00

SUBJECT: talking pojnts

TO: Ellen S. Seidman (CN=Ellen S. Seidman/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

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

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

TEXT:

WPCP

2BVTZ

#(x)?xxxX/Xx6X@DQX@HP LaserJet 4 Plus/4M PlusHL4PLPLU.WRSx□

@,,YX@2@PVb□Z#|xCourier New (TT)?xxxXaXx6X@DQX@HP LaserJet 4 Plus/4M PlusHL4PL

PLU.WRSx□

@,,YX@2

DRN

TALKING POINTS ON PRODUCT LIABILITY BILL

T

TPThe President will veto H.R. 956 because it intrudes on the

traditional prero

gatives of the states and unfairly tilts the

legal playing field against consum

ers.

?<XxThe Administration supports products liability reform at the federal level.

Any legislation, however, must respect the

important role of the states in ou

r federal system and must

fairly balance the interests of consumers with those

of

manufacturers and sellers. Congress could have passed

legislation, appropri

ately limited in scope and balanced in

application, meeting these tests. The P

resident would have

been glad to sign such a bill. But this bill unfairly

burd

ens consumers and unduly infringes on the States.(#

□<XxThe bill displaces many rules of state tort law and does

so in a way that

peculiarly disadvantages consumers. As a

rule, the bill displaces state law o

nly when that law is

more favorable to consumers; it allows state law to remain

in effect when that law is more helpful to manufacturers and

sellers. It is a

oneway 1 gF; anticonsumer and probusiness

1street of federalism.(#

In particular, the President opposes the elimination of joint

liability for non

economic damages (such as pain and suffering)

gF=
and
gF=

the caps on punitive damages.

The elimination of joint liability for noneconomic damages would prevent many injured victims of defective products from receiving the full measure of their damages.

This provision would leave the innocent victim to suffer when one wrongdoer, in any case with multiple wrongdoers, goes bankrupt. Under traditional state law, if one wrongdoer goes bankrupt, the other wrongdoers pick up the tab.

This bill relieves the other wrongdoers of this obligation for any noneconomic damages. The innocent victim has to bear this part of the loss on his own.

This is of real significance because companies sued for manufacturing or selling defective products stand a much higher chance of going bankrupt; consider manufacturers of asbestos, breast implants or intrauterine devices. (#

This provision is all the more troubling because it disproportionately affects the most vulnerable members of society.

The elderly, the poor, and nonworking women. This is because the provision applies only to noneconomic damages, thus cutting most deeply into the damages of victims who do not have large amounts of lost income. (#

gFO
C
gFO
apping punitive damages would encourage companies to engage in egregious miscon

duct, such as knowingly manufacturing and selling harmful products, and thereby endanger the safety of consumers."h)0*0*0*1"
 ?<XxThe cap invites potential defendants, deciding whether to manufacture or sell a clearly defective product, simply to weigh the costs of wrongdoing against the potential profits. Punitive awards deter such intentional misconduct by making deliberate wrongdoers pay more than the harm they cause. (#

?<XxThe provision of the bill allowing judges to exceed the cap in certain circumstances does not cure the problem, given the intent of Congress, expressed in the Statement of Managers, that "the occasion for additional awards will be very limited." (#

The President also objects to Congress's failure to exempt negligent suppliers from the provision of the bill limiting lawsuits against suppliers of materials used in devices implanted in the body. A supplier of materials who knew or should have known that the materials, as implanted, would cause injury should not receive any protection from suit.

Finally, the President opposes certain provisions snuck into the Conference Report that expand the scope of the bill and exacerbate its harmful consequences.

?<XxThe Conference Report, unlike the Senate version, makes the limitations on noneconomic and punitive damages applicable to negligent entrustment cases in which, for example, an injured person sues a gun dealer who knowingly sold a gun to a convicted felon or a bar owner who sold a drink to an obviously intoxicated customer. (#

?<XxThe Conference Report, unlike the Senate version, would prevent some injured persons from bringing suit against companies that are being reorganized in a bankruptcy court. It does this by eliminating a provision that stopped the statute of limitations from running when a bankruptcy court issues an automatic stay preventing lawsuits from being brought during bankruptcy proceedings. (#

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 10:54:39.00

SUBJECT: Re: Miscellaneous Decision issues

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

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

TEXT:

I very much agree. I take it there's been some grumbling on how we proceeded with Jeanine. We should make sure to confront this head-on ASAP.

o

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 12:05:35.00

SUBJECT: Advisory Commission on Quality and Consumer Protection in the Health Care Indust

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

READ:UNKNOWN

TEXT:

what's the story on this? By the by, at a communications meeting this weekend, Doug Sosnik said that this panel was loaded with fat cat contributors and that we shouldn't announce it now. do you disagree?
----- Forwarded by Elena Kagan/OPD/EOP on 03/03/97 12:05 PM -----

Helen P. Howell
03/03/97 12:00:41 PM
Record Type: Record

To: Elena Kagan/OPD/EOP, Kathleen M. Whalen/WHO/EOP
cc: McGavock D. Reed/OMB/EOP
Subject: Advisory Commission on Quality and Consumer Protection in the Health Care Industry

We have received the proposed Executive Order to add 12 members to the Advisory Commission. Would you let me know the preferred timing for the issuance of the EO? Mac Reed of OMB based on discussions with you, Kathy, suggested that we need to get it out tomorrow or Wednesday. However, the DPC weekly report to POTUS suggested a March 10 release date.

We need to staff it out to senior WH staff for feedback, and the deadline we give will be based on when you need the EO to be issued.

Let me know.

THANKS.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 11:02:08.00

SUBJECT: Re: welfare meeting

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

READ:UNKNOWN

TEXT:

no problem

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 10:51:50.00

SUBJECT: Re: cloning cloning cloning cloning

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

TEXT:
great work on this.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 3-MAR-1997 13:42:30.00

SUBJECT: RECEIVED: Labor testimony for House hearing TUESDAY on fed job training -- LRM :

TO: Roger L. McClung (CN=Roger L. McClung/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Labor testimony for House hearing TUESDAY on fed job training -- LRM : RLM21
was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

03/03/97 01:43:38 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 11:02:42.00

SUBJECT: Re: outstanding HHS questions

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

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

TEXT:
1:00 is OK with me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 10:52:54.00

SUBJECT: .Re: pediatric drug labeling

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

TEXT:

great. brief me on the status and tell me when. i think this would be an excellent thing to do in connection with 0-3.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 20:07:07.00

SUBJECT: Re: Legal Boundaries on Welfare to Work Outreach

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/03/97 08:08 PM -----

Maria Echaveste
03/03/97 07:57:19 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc: William P. Marshall/WHO/EOP
Subject: Re: Legal Boundaries on Welfare to Work Outreach

Elena--I guess this answers our questions. Now we just have to figure out the right people to talk to about welfare. Thanks,

----- Forwarded by Maria Echaveste/WHO/EOP on 03/03/97 07:55 PM -----

William P. Marshall
03/03/97 07:21:35 PM
Record Type: Record

To: Maria Echaveste/WHO/EOP
cc:
Subject: Re: Legal Boundaries on Welfare to Work Outreach

Maria,

I ran your questions by Dawn and Kathy and we agreed that what you are proposing is no problem as long as the individuals with whom you are working are not directed by the White House and as long as they do not represent themselves as having an official relationship with the White House. If all we are doing is serving as an information conduit, it is ok as long as we provide similar information to other interested persons.

I hope this helps.

March 1, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed, Assistant to the President for Domestic Policy
Eric Goosby, Interim Director, ONAP

RE: Update on Status of Needle Exchange Programs

There have been a number of recent events involving needle exchange programs. On February 13, a National Institutes of Health Consensus Conference Statement recommended lifting the ban on use of federal funds for needle exchange programs. On February 18, HHS sent a Congressionally requested report to the Senate Appropriations Committee reviewing the scientific data on needle exchange programs to date. This memo provides background to put the issue in context and discusses these recent events.

Current Statute. There are three statutory restrictions on the use of federal funds for needle exchange programs. (1) The Substance Abuse and Mental Health (SAMHSA) block grant prohibits use of federal funds for needle exchange unless the Surgeon General determines that needle exchange is effective in reducing the spread of HIV and the use of illegal drugs. The statute does permit federal research and evaluation of existing needle exchange programs. (2) The 1996 Ryan White CARE Act reauthorization places a flat prohibition on the use of Ryan White funds for needle exchange. (3) The Labor/HHS Appropriations bill prohibits funding of needle exchange unless the Secretary determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

Epidemiology of HIV Infection. Thirty six percent of AIDS cases are directly or indirectly caused by IV drug use. Up to fifty percent of new HIV infections may be related to IV drug use. The effects of IV drug use have become a driving force in the HIV epidemic.

Number of Needle Exchange Programs. There are over 100 needle exchange programs in the US, with most programs operating in two or more sites. As of 1995, twenty one States had local needle exchange programs.

Federally Sponsored Research. The National Institute on Drug Abuse (NIDA) at NIH has funded 15 demonstration projects to evaluate the impact of needle exchange programs on rates of HIV infection and patterns of drug use (including the effectiveness of these programs as gateways

to substance abuse treatment). Only two of the 15 studies are completed at this time. There has also been a significant amount of privately funded research on needle exchange programs through foundations and other nonprofit groups.

State and Local Government. At its most recent meeting, the National Governors Association passed a resolution stating: "Federal restrictions or requirements on the use of available funding interfere with the ability of States to develop comprehensive prevention strategies." The Association of State and Territorial Health Officers (ASTHO) passed the following resolution in December 1995: "The federal government should repeal the ban on the use of federal funds for needle exchange services to allow interested States and localities the financial flexibility to support successful prevention and treatment initiatives within their jurisdictions." The US Conference of Mayors also supports lifting the ban on use of federal funds for needle exchange.

HHS Report to Senate Appropriations. Report language was included in the September 1996 Senate L/HHS Appropriations bill requesting that HHS provide a report on the status of current research projects, an itemization of previously funded research, and findings-to-date regarding the efficacy of needle exchange programs for reducing HIV transmission and not encouraging illegal drug use. The report prepared by HHS reviewed all published studies of US needle exchange programs, including one by the Institute of Medicine; it did not attempt to determine if the Congressional standard has been met for lifting the ban on federal funding. The summary section of the report contains the following: "Overall these studies indicate that needle exchange programs can have an impact on bringing difficult to reach populations into systems of care that offer drug dependency services, mental health, medical and support services. These studies also indicate that needle exchange programs can be an effective component of a comprehensive strategy to prevent HIV and other blood borne infectious diseases in communities that choose to include them."

NIH Consensus Conference. A NIH Consensus Development Conference on Interventions to Prevent HIV Risk Behaviors was held February 11-13, 1997. This conference was developed and directed by a non-Federal panel of experts, predating the Congressional request for an HHS report. The resulting Consensus Conference Statement is an independent report of an expert panel, not a policy statement of the NIH. This Statement, released on February 13, concluded that needle exchange programs are effective in reducing both HIV transmission and IV drug use and recommended lifting the legislative restrictions on needle exchange programs.

Analysis of Evidence on Needle Exchange Programs and IV Drug Use. The preponderance of data collected so far suggests a stable or declining level of drug use among needle exchange participants. About half of the studies on the effects of needle exchange show a decline in drug use. Two studies show an increase in drug use, but these studies have been discounted by expert panels as outliers. In addition, almost all studies indicate that needle exchange program participants tend to be older (median age 33 to 41 years old) and tend to be long-term users (duration of use 7 to 20 years). There is no data to suggest needle exchange programs increase

new initiates into drug use, and the age of participants often increases over time.

It is important to note, however, that most studies have methodological weaknesses, inherent to the population and subject, that are nearly impossible to overcome. These methodological problems include: 1) reliance upon individuals' self-reporting of drug use; 2) the difficulties of creating a control group that does not receive clean needles yet continues participating in the study; and 3) the difficulties of isolating the effects of needle exchange programs from the many other factors that may influence drug use in a given population.

The Administration's Response. HHS, ONDCP, and the White House jointly developed a response to questions about the HHS report and NIH Conference Statement. This response states that data on the effect of needle exchange programs in reducing HIV seroprevalence is solid, but that data on the effect of these programs on drug use patterns is less clear. The response further states that HHS will continue research efforts to evaluate new data on needle exchange programs and will work with the Congress on effective HIV prevention strategies. General McCaffrey strongly believes that the Administration should not challenge or raise questions about the current legislative restrictions on needle exchange programs.

Next Steps for HHS in Evaluating Effects on Drug Use. HHS will conduct a scientific review of the data presented at the NIH Consensus Conference. That data have not yet been through the peer review process required for publication, and need close examination. A second step will be an analysis of data already collected through the NIDA demonstration projects, which have not yet been specifically studied for effect on drug utilization patterns.

Congressional Climate and Community Expectations. The HHS report was released during the Congressional recess, and Hill reaction has been muted to date. This week Harold Varmus, Director of the NIH, received direct questions on needle exchange from Reps. Dickey (R-AR) and Wicker (R-MS) during a NIH Appropriations hearing. Secretary Shalala also received one question on lifting the federal funding ban prior to release of the report.

Both the House and Senate generally have punted the issue of needle exchange programs to HHS. The exception is last year's prohibition on use of Ryan White treatment funds for needle exchange programs, which passed unanimously. The Congressional response to any attempt to lift restrictions on funding likely would be hostile. The climate, however, may be softening somewhat. Senator Specter, Chair of the L/HHS Appropriations Subcommittee, has come to support needle exchange programs (Philadelphia has one of the largest); Rep. Rangel, once adamantly opposed to needle exchange, is reported to be shifting in his stance; and the state flexibility arguments advanced by NGA and ASTHO may also start to have an effect.

The AIDS community is united in seeking an end to the ban on federal funding of needle exchange programs. With some exceptions, however, the national AIDS organizations

understand the downside of demanding that the ban be lifted before the necessary educational and political groundwork is laid. What the community wants from the Administration at this point is not so much an immediate lifting of the restrictions as a strong indication that the Administration generally will let science guide policy in combating HIV transmission.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 13:43:00.00

SUBJECT: Re: 2pm mtg today

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

READ:UNKNOWN

TEXT:

can you come?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-MAR-1997 20:01:28.00

SUBJECT: Re: : EARLY LEARNING CONFERENCE

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

TEXT:

hell, we ran the meeting. i tried to e-mail you to come, but I somehow sent the message to the wrong person.

TALKING POINTS ON FITZSIMMONS STORY

- Nothing that Mr. Fitzsimmons now says contradicts or undermines the President's position, which is that so-called partial-birth abortions should be banned except when they are necessary to save the life of a woman or prevent serious harm to her health.
- The President has never claimed that partial-birth abortions are used only, or even primarily, to prevent death or serious harm. What he has said is that when (but only when) the procedure is necessary for these reasons, a doctor must be allowed to perform it.
- The President has recognized that some doctors may use the procedure for elective reasons and has called for an end to this practice. He has stated on several occasions: "The procedure may well be used in situations where a woman's serious health interests are not at issue. But I do not support such uses, I do not defend them, and I would sign appropriate legislation banning them."
- The President's position today remains what it has always been: that he will sign a bill banning partial-birth abortions, but only if it has an exception that will protect those women -- even if few in number -- who need this procedure to save their lives or prevent serious harm to their health.

Background

Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, said this week that partial birth abortions are (1) performed more frequently than pro-choice groups have acknowledged and (2) often performed on healthy women with healthy fetuses.

There are no good statistics on these questions, and it would be a great mistake to challenge Fitzsimmons on the facts. The important point is that even if true, Fitzsimmons's claims do not undermine the President's position, as explained above.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 12:45:26.00

SUBJECT: Re: Just checking in with the two of you

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

TEXT:

OK with me. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 10:47:51.00

SUBJECT: Re: Early Childhood Development Conference

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

READ:UNKNOWN

TEXT:

sorry, what day?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 12:46:53.00

SUBJECT: Re: Brownfields

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

READ:UNKNOWN

TEXT:

oops. i guess you do too.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 10:28:19.00

SUBJECT: Re: meeting tomorrow

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

TEXT:
3:00?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 10:44:28.00

SUBJECT: Updates?

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

TEXT:

could you find out if anyone has any?

----- Forwarded by Elena Kagan/OPD/EOP on 03/04/97 10:30 AM -----

Julie E. Mason

03/04/97 07:54:53 AM

Record Type: Record

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

RE PRESS CONFERENCE....As you can see by the schedule, it's been moved to Friday.

Staff Secretary is just holding onto the book we gave them last week. Phil Caplan said he wants to give POTUS the briefing book Wednesday so...if you have any updates/additions, please email them to me by midday Wednesday.

Thanks.

Message Sent

To: _____
Russell W. Horwitz/OPD/EOP
Kristen E. Panerali/OPD/EOP
Elena Kagan/OPD/EOP
Elisa Millsap/WHO/EOP
Christopher J. Lavery/WHO/EOP
Adam W. Goldberg/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 20:32:10.00

SUBJECT: Re: your move

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

TEXT:
of course.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 12:46:40.00

SUBJECT: Re: Brownfields

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

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

TEXT:

Bruce: I think we should do it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 10:46:10.00

SUBJECT: Re: Just checking in with the two of you

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

READ:UNKNOWN

TEXT:

what's the question? I never got anything from you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 13:50:41.00

SUBJECT: Re: Laura

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

TEXT:
thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 12:47:34.00

SUBJECT: Re: Meetings

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

READ:UNKNOWN

TEXT:

got it. doesn't sound very efficient, does it?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-MAR-1997 10:47:10.00

SUBJECT: Re: WR Meeting

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

READ:UNKNOWN

TEXT:

isn't the standards meeting at 1:15?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAR-1997 19:51:33.00

SUBJECT: updated health q&as for briefing

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/05/97 07:52 PM -----

Paul J. Weinstein Jr.
03/05/97 05:23:08 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: updated health q&as for briefing

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on 03/05/97 05:22 PM -----

Sarah A. Bianchi
03/05/97 05:18:15 PM
Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP
cc:
Subject: updated health q&as for briefing

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D72]MAIL40251736X.016 to ASCII,
The following is a HEX DUMP:

FF57504385070000010A020100000002050000000A75000000002000061C0BF20D893FE85567852
0BFA9174F72F8FF3ADB1843527EA4C2C4578D93DBC8C829E7205B0D5CADFF813A7C981D0BD84B9
449C0C72DD979B762433CC9D5B29315551247479C8BFC1EDC4F6BE366253FD3F5353B8ABBEDFA2
D620AC866F72136731AAB0D5B3FD414A3D8569E541F3272284AA0BF8141B7ED789CA69C75A962E
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78299A3C059D06D56FA73B063380A983BA629C85DA3486E27A6A36676FAD60797106B8E71B26EC

FY 1998 BUDGET Q&A
February 1997

Q: YOUR MEDICARE PLAN SCORES \$82 BILLION INSTEAD OF \$100 BILLION OVER THE LAST FIVE YEARS. WILL YOU SUBMIT ADDITIONAL PROPOSALS TO ACHIEVE \$100 BILLION SCORING OFF OF THE CBO BASELINE?

A:

- We believe that the track record of our actuaries on estimates over the last five years validates our position that our Medicare plan will achieve \$100 billion in savings. Our estimates for the balanced budget are based on conservative, time-proven projections that have been more accurate than CBO for 4 straight years.

Q: HAVING SAID THAT, WILL YOU SUBMIT ADDITIONAL PROPOSALS TO ACHIEVE \$100 BILLION SO YOU CAN BACKUP YOUR CLAIM THAT YOU WILL MEET THE REPUBLICANS HALFWAY?

A:

- Again, we believe our numbers do that now. Our technical analysts will continue to work with CBO to see if further clarifications of our current policy will close the gap on scorable savings. It is premature to speculate about what, if any, revisions will be necessary until that process is complete.

Q: YOU HAVE INCLUDED A HOME HEALTH CARE TRANSFER GIMMICK IN THE BUDGET. HOW CAN YOU POSSIBLY DEFEND IT?

A:

- Let's be clear: our savings of \$138 billion in Medicare over 6 years (\$100 billion over 5 years) does *not* include the home health care transfer from Part A to Part B of the program. The \$138 billion is the net reduction of Medicare spending relative to the budget baseline -- and thus is the amount by which our Medicare changes contribute to deficit reduction. The transfer does not contribute to the \$252 net deficit reduction in our package.
- The policy you mentioned was in our budget last year, and it was in the House Republican budget in 1995 that every Republican in the House voted for.
- Shifting long-term home health visits (other than the first 100 visits following a hospitalization) away from Part A of the Medicare program makes sense because home health care has increasingly become a chronic care benefit not linked to hospitalization. It was also the established policy prior to the 1980s. And it protects the Medicare Trust Fund until 2007, while not imposing harmful cuts on hospitals or other priorities, or excessive burdens on beneficiaries.

[Background: Originally designed as a post-acute care benefit for beneficiaries who had been hospitalized, home health care has increasingly become a chronic care benefit, not linked to hospitalization. Our proposal restores the original split of home health care benefits so that the first 100 home health visits following a 3-day hospitalization would be reimbursed by Part A and all other visits -- including those not following hospitalization -- would be reimbursed by Part B.]

Q: FOLLOW: IF THE HOME HEALTH TRANSFER IS NOT A GIMMICK, THEN WHY DON'T YOU INCLUDE IT AS PART OF THE PART B PREMIUM?

A: • We have always been concerned about out-of-pocket costs for Medicare beneficiaries. Older Americans spend, on average, 20 percent of their income on health care and three-fourths have incomes lower than \$25,000. We have to be careful that as we reform the Medicare program, we do not place undue burden on lower-income seniors.

Q. WHY ARE YOU MANAGED CARE CUTS SO DEEP? AREN'T THESE CUTS GOING TO DISCOURAGE BENEFICIARIES FROM GOING INTO MANAGED CARE AND FORCE PLANS TO CUT BACK ON BENEFITS?

A. • There is no reason to believe that these modest cuts will cause managed care plans to have to cut back in benefits, nor will they hurt plans with large numbers of managed care enrollees. The Medicare Trust Fund is actually losing money on the increasing numbers of beneficiaries enrolling in managed care.

• Every credible study has confirmed that we are significantly overpaying Medicare managed care (Congressional Budget Office analysis, the General Accounting Office, the Prospective Payment Review Commission study, and the Mathematica Research Study done for the Health Care Financing Administration). In fact, these experts claim that we overcompensate managed care far beyond what our proposal suggests.

• Finally, our proposal does not even implement this reform until 2000, giving managed care plans more than enough time to prepare for this change.

Q. YOUR MEDICARE PROPOSAL CONTAINS MOSTLY CUTS ON PROVIDERS AND MANAGED CARE. DON'T YOU THINK WE NEED REAL STRUCTURAL MEDICARE REFORM?

A. • Absolutely. My budget takes important steps to modernize Medicare and bring it

into the 21st century through a number of structural reforms including

- *Establishing new private plans* -- including Preferred Provider Organizations and Provider Sponsored Organizations -- available to seniors and people with disabilities.
- *Establishing market-oriented purchasing for Medicare* including the new prospective payment systems for home health care, nursing home care, and outpatient hospital services, as well as competitive bidding authority and the use of centers of excellence to improve quality and cut back on costs.
- *Adding new Medigap protections* to make it possible for beneficiaries to switch back from a managed care plan to traditional Medicare without being underwritten by insurers for private supplemental insurance coverage. This should encourage more beneficiaries to opt for managed care because it addresses the fear that such a choice would lock them in forever.

Q. DO YOU SUPPORT THE MEDICARE COMMISSION PROPOSED BY SENATORS ROTH AND MOYNIHAN?

- A.**
- First, I want to praise Chairman Roth and Ranking Member Moynihan for working together -- on a bipartisan basis -- to propose the creation of a

commission to address the long-term financing issues that face Medicare. Their efforts reflect a bipartisan spirit which we believe is critical to ensure the success of any process designed to address this important issue.

- No one is more committed than I am to seeking a bipartisan process to find long term solutions to Medicare. But my more immediate focus is reaching a bipartisan agreement on a balanced budget that extends the life of the Medicare Trust Fund in the near term. We have an historic opportunity to balance the budget. We should not let it pass.
- As I have repeatedly said, we will need a bipartisan process to address the long-term financing issues facing Medicare, and I look forward to working with both parties to develop the best possible process.

Q. DOESN'T YOUR BUDGET CREATE \$60 BILLION IN NEW ENTITLEMENTS?

- A.
- No. My budget actually *saves* \$121 billion in entitlement spending over the next 5 years.
 - We are proposing some new additions to our health care programs, but they are aimed at reducing the number of uninsured Americans and are *not* open-ended entitlements. For example:

-- Our program to provide health insurance for workers between jobs is capped. The program is structured as a grants program to States. While there are provisions to help States that have unanticipated increases in unemployment, there is an overall Federal cap on spending that cannot be breached. Moreover, the program is sunsetted after 4 years.

-- There are no new entitlements in children's health as well. The children's health initiative provides States with grants that, by law, will not exceed \$750 million in each year.

- We are also proposing some changes to the welfare reform legislation that was enacted last year, but our purpose is to fix unnecessary and damaging provisions in that legislation -- involving legal immigrants and Food Stamp recipients. We do not view these changes as new spending or new entitlements.
- It is ironic that we are sometimes criticized for phasing out new proposals -- such as school construction -- and simultaneously for creating permanent new mandatory spending programs. Our phase-outs are designed to allow an evaluation of how well the new programs are working -- and we have been careful to avoid creating permanent new entitlements without knowing the effects.

Q. WHY ARE YOU CUTTING THE MEDICAID AND MEDICARE PROGRAMS IN ORDER TO MAKE INVESTMENTS IN CHILDREN'S HEALTH?

A. • We believe that we can constrain Medicare and Medicaid growth while still preserving the guarantee of high quality care for the millions of Americans who depend on these programs. Cost-effective approaches to expanding coverage, in the context of a balanced budget, should be a high-priority investment for this nation.

Q. WHY IS THE ADMINISTRATION ACTING SO HAPHAZARDLY ON QUALITY ISSUES. FIRST IT WAS DRIVE-THROUGH-DELIVERIES, THEN MASTECTOMIES, NOW GAG RULES. DO YOU HAVE A STRATEGY IN THIS AREA?

A. • Yes, we do have a strategy. We believe that we have taken some important steps in areas where there have been troubling reports about the lack of high-quality medicine. When there are egregious examples of bureaucratic interference with the practice of high-quality medicine, we will not hesitate to act. However, I have announced plans to create an Advisory Commission on Consumer Protection and Quality in the Health Care Industry. That panel, which will be named shortly, will help us to develop a broader framework on how we should address concerns about quality in a more comprehensive manner.

Q. WHAT IS THE STATUS OF YOUR QUALITY COMMISSION?

A. • I expect to make an announcement about the members and charge of this commission sometime in March.

Q. DO YOU SUPPORT THE KENNEDY-DINGELL BILL ON CONSUMER RIGHTS?

A. • We just received the bill and have not yet had time to review the details. However, we believe that Congressman Dingell and Senator Kennedy are making an important contribution to the discussion about quality. We look forward to working with them as well as other Democrats and Republicans on this important issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAR-1997 15:14:00.00

SUBJECT: Re: LAST CHANCE..

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

TEXT:

I want to look over the abortion stuff again. I think I want to add a question. When's REALLY my last chance?? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAR-1997 16:06:05.00

SUBJECT: Re: Do I need to do anything with the two page Michigan description -- Elena ind

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

READ:UNKNOWN

TEXT:

fyi: that means give it to the staff secretary.

----- Forwarded by Elena Kagan/OPD/EOP on 03/05/97 04:07 PM -----

Bruce N. Reed

03/05/97 03:43:09 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Elena Kagan/OPD/EOP

Subject: Re: Do I need to do anything with the two page Michigan description -- Elena indicated it that POTUS might want it as background for the Michigan speech.

Make sure it gets in the briefing book. Good work.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAR-1997 15:09:33.00

SUBJECT: Re: Welfare Reform Provisions for Inclusion in the Balanced Budget Bill

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

READ:UNKNOWN

TEXT:
thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAR-1997 12:28:13.00

SUBJECT: Re: Status of bifurcation legislative language

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

No; let's find out asap. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAR-1997 12:42:02.00

SUBJECT: Re: OPM Update

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

READ:UNKNOWN

TEXT:

thanks much

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAR-1997 15:12:09.00

SUBJECT: Re: follow-up

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

TEXT:
you're great. thanks.

New Firearms Initiatives

Q. What does your Child Safety Lock Directive do?

Firearms claim the lives of too many of our children. My directive requires all Federal Agencies to provide a child safety lock and proper instructions with every handgun issued to a Federal law enforcement agent. This Directive will help prevent gun accidents and children's access to guns.

My Anti-Gang legislation that I sent to Congress would further expand use of child safety locks by requiring all Federal Firearms dealers to provide a child safety lock with every handgun they sell. Until Congress makes child safety locks the law of the land, we must do everything we can to prevent unauthorized firearms use by our young people.

The Directive would take the first step in that direction by making this a universally-adopted safety policy for all Federal law enforcement agents.

Q. How would you restrict gun sales to noncitizens?

Federal law requires that legal aliens live in a state for at least 90 days before they are allowed to purchase a handgun. But the application to buy a gun fails to ask how long an applicant has lived at his or her current address.

As a first step to reduce illegal handgun purchases by noncitizens, the Bureau of Alcohol, Tobacco and Firearms will immediately require applicants to certify that they have been residents for at least 90 days in the state where they are trying to buy a gun.

But this isn't enough. I also support the Kennedy-Durbin/Schumer legislation which prohibits foreign visitors to the United States from purchasing and possessing firearms.

Q. What would you do about "cop killer" bullets?

Criminals should not have access to handgun ammunition that can pierce bullet-proof vests worn by law enforcement officers. While current law establishes limits on ammunition based on specific materials from which it is made, it does not address the problem of excessively powerful ammunition based on its performance.

Once again, I will send legislation to Congress banning "Cop Killer" bullets. My legislation directs the Secretary of the Treasury to promulgate regulations to prohibit the manufacture, importation, and distribution of handgun ammunition that can pierce standard bullet-proof vests. We need a simple test and a straightforward ban. These bullets have one purpose only-- to kill police officers. They have no place on our streets.

February 25, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
LYN HOGAN

SUBJECT: WELFARE-TO-WORK IN THE FEDERAL GOVERNMENT

As you know, the Office of Personnel Management (OPM) recently sent us a memo outlining numerous proposals for ensuring that federal agencies hire welfare recipients. Based on this memo and our conversations with OPM staff, we suggest the following package of measures.

1. Create a new hiring avenue for welfare recipients. Through executive order, you would create new excepted service hiring authority for welfare recipients. This new hiring track would provide welfare recipients with non-competitive service appointments (at any grade level), which the agency would convert to normal competitive service positions after two years of satisfactory performance. The executive order also would instruct agencies to provide employees in this hiring track with any necessary job-specific training, as well as with a mentor or peer counselor.

In considering this option, you should note that the federal government currently has five similar excepted service programs, each targeted to a specific group and boasting simplified hiring procedures: the Veteran's Readjustment Appointment Program; the Severely Handicapped Appointment Program; the Presidential Management Intern Program; the Student Career Experience Program; and the Worker-Trainee Program. As an alternative to creating a separate hiring track for welfare recipients, you could direct agencies to use the already existing Worker-Trainee Program; we are concerned, however, that this approach would not focus sufficient attention -- or effort -- on the need to hire welfare recipients.

Approve: _____

Disapprove _____

2. Call for performance goals and offer federal agencies incentives for hiring welfare recipients. Through executive order or memorandum, you would direct each federal agency to set, and transmit to you, hiring goals for welfare recipients. You also would require each agency to report monthly on its progress, and you would recognize, perhaps through a kind of honor roll, the federal agencies that succeed best in hiring people off welfare.

Approve: _____

Disapprove: _____

You also might consider calling for a legislative change that would provide agencies with

a monetary incentive to hire welfare recipients. Under current law, federal agencies cannot take advantage of subsidies offered to employers who hire welfare recipients, because agencies may not receive any unappropriated funds. A simple piece of legislation would allow federal agencies to accept and retain these subsidies, thus giving agencies the same incentives to hire welfare recipients as other employers. This proposal, however, might well provoke opposition, with some arguing that the states should not have to pay the federal government to put welfare recipients to work.

Approve: _____

Disapprove: _____

3. Adopt new ways to publicize federal job opportunities and match potential employees to job positions. Your executive order would direct OPM to initiate a system to inform state and local social service providers of federal job opportunities and to assist providers in matching welfare recipients to these opportunities. This system, in addition to making use of direct mailings, would focus on a range of on-line services, including: USAJOBS, OPM's employment information homepage which provides access to a full list of federal job openings and application materials; and USACAREERS, a new on-line career counseling system, ready for use in March, which can assist in matching welfare recipients to suitable positions in the federal government.

A recent NGA/APWA survey found that approximately 40 percent of welfare caseworkers now have access to such internet services. HHS estimates that hooking up the remaining caseworkers would cost about \$35 million over two years, including maintenance and training. You could direct that HHS, working with GSA, undertake this responsibility (assuming OMB could find this small amount of money). Making sure that state and local social service providers have access to these new technologies would assist not only the federal government, but also other employers in hiring welfare recipients.

Approve: _____

Disapprove: _____

4. Provide needed services to welfare recipients. You could take several actions to help welfare recipients keep their jobs by providing them with supporting services. First, you could direct agencies to offer public transportation subsidies to low-income employees under the existing Federal Fare Subsidy Program. Very few agencies now use this program because the cost of subsidizing public transportation costs for all employees is prohibitive. You could make clear that agencies have legal authority to offer graduated subsidies based on income and direct agencies to do so. Subsidies would come out of the participating agency's appropriations and go directly into the employee's paycheck. Second, you could instruct agencies to determine the feasibility of establishing more agency-sponsored child care centers and report back to you on their findings. Third, you could direct agencies to inform all employees eligible for the EITC of both their eligibility and their ability to get EITC monies each month in their paychecks.

Approve: _____

Disapprove: _____

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAR-1997 19:27:03.00

SUBJECT: updated health q&as for briefing

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

TEXT:

I misspoke. Here are updated health q&a's. Sorry!!

----- Forwarded by Elena Kagan/OPD/EOP on 03/05/97 07:28 PM -----

Paul J. Weinstein Jr.
03/05/97 05:23:08 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: updated health q&as for briefing

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on 03/05/97 05:22 PM -----

Sarah A. Bianchi
03/05/97 05:18:15 PM
Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP
cc:
Subject: updated health q&as for briefing

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

TEXT:
===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAR-1997 19:26:07.00

SUBJECT: Re: SUMMARY

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

TEXT:
all ok except abortion which is coming.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAR-1997 15:37:08.00

SUBJECT: Re: We might try to get our hands on the whole briefing paper

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

READ:UNKNOWN

TEXT:

good idea. can you work it with bill?

Question: Ron Fitzsimmons, the executive director of the National Coalition of Abortion Providers, said this week that he lied about partial birth abortions -- that they're performed more frequently than pro-choice groups have acknowledged and that they're often performed on healthy women with healthy fetuses. In light of his statements, are you going to change your position?

Answer: No. My position remains what it has always been -- that so-called partial-birth abortions should be banned except when they are necessary to save the life of a woman or prevent serious harm to her health.

Nothing Mr. Fitzsimmons has said conflicts with that position. I've never claimed that partial-birth abortions are used only to prevent death or serious harm. What I've said is that when the procedure is necessary for these reasons -- in those few cases when there are tragic circumstances involving serious harm to the woman -- a doctor must be allowed to perform it. But when the procedure isn't necessary for these reasons, a doctor should not be allowed to perform it.

So I will say again what I've said before: that I will sign a bill banning partial-birth abortions, but only if it has an exception that will protect those women -- even if few in number -- who need this procedure to save their lives or prevent serious harm to their health.

Question: Didn't you base your veto of the partial-birth abortion bill on false information -- i.e., that this procedure is performed only on a few hundred women in desperate circumstances?

Answer: No. I based my veto on the fact that there are a small group of women in desperate circumstances who need this procedure in order to save their lives or prevent serious injury to their health. I've never said that these are the only circumstances in which the procedure is used. Indeed, I've acknowledged that there are cases where the procedure is not necessary for life or serious health reasons -- and I've made very clear that I would sign legislation banning the procedure in those cases.

Question: If Congress were to add a health exception to the partial birth bill you vetoed last year, that bill would prohibit all partial birth abortions -- including pre-viability partial birth abortions - that aren't done for life or serious health reasons. Are you really saying that you would sign a bill of that kind -- a bill that prohibited a particular procedure (except if done for life or serious health reasons) in the pre-viability period?

Answer: I have made very clear my condition for signing the partial birth bill. I told Congress that I would sign the bill if it protected women who needed the procedure to save their lives or avert serious harm to their health. I implored Congress to send me such a bill. I continue to take that position. If Congress adds a provision to the bill that protects women who need the procedure for life or serious health reasons, I will sign that bill.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 15:51:07.00

SUBJECT: Re: bucket

TO: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP. @ EOP [OPD])

READ:UNKNOWN

TEXT:

right

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 14:23:04.00

SUBJECT: National PTA Conf.

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

TEXT:

what's the scoop on this?

----- Forwarded by Elena Kagan/OPD/EOP on 03/06/97 02:24 PM -----

Patrick M. Steel
03/05/97 03:42:35 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Kris M Balderston/WHO/EOP
Subject: National PTA Conf.

As you may know, the National PTA conference which the President has addressed in the past is being held in DC next week. I have gotten a number of call from Arnie Fege, the PTA's Washington Rep inquiring as to whether or not the President will speak. Did anyone ever send in a request for the President to speak at this conference?

Please advise. I would like to call Arnie to formally regret.

Patrick Steel

Message Sent

To: _____
Michael Cohen/OPD/EOP
William R. Kincaid/OPD/EOP
Elena Kagan/OPD/EOP
Christa Robinson/WHO/EOP
Daniel Wexler/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 11:10:45.00

SUBJECT: Re: LOCATION CHANGE FOR COS SCHEDULING MEETING

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

READ:UNKNOWN

TEXT:

and is there anything we've requested post-helsinki?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 15:28:24.00

SUBJECT: Adoption idea

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

TEXT:

Have you checked this? could you? thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 03/06/97 03:29
PM -----

Bruce N. Reed

02/25/97 09:59:36 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Nicole R. Rabner/WHO/EOP, Pauline M. Abernathy/OPD/EOP

cc:

Subject: Adoption idea

Can you check out the First Lady's suggestion for making it easier to do criminal background checks for people who wish to adopt? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 10:36:57.00

SUBJECT: Re: partial birth questions

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

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

TEXT:

I'll do one on the Daschle bill that makes clear that it is consistent with the President's position and that the President could support it. I'll send it to you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 14:31:32.00

SUBJECT: Re: Advisory Commission on Quality and Consumer Protection in the Health Care In

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

READ:UNKNOWN

TEXT:

FYI. I told Chris that you and others had expressed some concern that the health care quality task force would get played as a campaign finance story. His reply:

----- Forwarded by Elena Kagan/OPD/EOP on 03/06/97 02:31 PM -----

Christopher C. Jennings

03/04/97 08:28:37 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: Advisory Commission on Quality and Consumer Protection in the Health Care Industry

I disagree. It is not loaded with fat cat contributors. It does have representatives from health care interests (like doctors, nurses, hospitals, health insurers and managed care plans, consumers, unions, quality experts, etc.), but the executive order appropriately requires their participation and they are quality people. Out of the 32 members, I would say there are only 2-5 that could be categorized as big time contributors. The others have long and distinguished careers in the quality/health care front and there is no question that their membership will be validated by respected outsiders. (Even then, the three have a background and interest in health care that justifies their existence.)

If you would like to go over the list, I would be happy to do so. I believe if you asked Doug, he could come up with only a couple of names he thinks are fat cats. Let's talk, but I do not think this will be a problem, and of course will do everything in my power to assure that the announcement gets a positive lift-off from the outside validators.

cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 18:35:08.00

SUBJECT: Re: brain conf

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

TEXT:
tomorrow at 1?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 15:30:14.00

SUBJECT: Re: brain vs. service

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

TEXT:

the reiner show is on the 28th. our conference is on the 17th.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 13:43:01.00

SUBJECT: scheduling meeting

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

READ:UNKNOWN

TEXT:

1. chief state school officers is on for the 17th.
2. the schedulers are dubious about whether they can fit in an event sat. morning. don and i agreed that if they can't, we should at least revisit the "weekend package."
3. Gene thinks doing the medicare fraud package in this way (even with an event) is a waste. He thinks we can make a much bigger deal out of it by doing something that will take on the ama. He said this to me alone, but loud enough so that don heard and opined that "the policy people should get it together."
4. People are still talking about the VP announcing the welfare/govt workers directive. I said we didn't think that made much sense. Don said that he thought the VP wanted to do it. The VP's office had no comment.
5. The Pres will recognize the Teacher of the Year on April 14. (We obviously should try figuring out an announcement for this.)
6. The Pres is going to do a tobacco related event on April 15. Don is keen on the internet idea.
7. The Pres could make a keynote address at the VP's empowerment conf on April 16. Don said he thought we should only do this if the speech really said something. Gene said he'd think about what kind of announcement would be appropriate for this speech. He mentioned education. We should do this jointly, though I didn't say anything.
8. The schedulers proposed April 9 as a date the Pres could participate in a memorial service for al shanker. They asked for our help in hooking up with the AFT on this, and I volunteered Mike's services.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 14:40:19.00

SUBJECT: parent involvement

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

TEXT:

Your cover note mentions the link between early learning and parental involvement. Is there discussion of this topic in the report? (I didn't see it, but I think I may be missing pages.) Are there any particular programs that are noteworthy?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 14:20:29.00

SUBJECT: FDR Memorial Mtg.

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

TEXT:

all yours.

----- Forwarded by Elena Kagan/OPD/EOP on 03/06/97 02:21
PM -----

Marjorie Tarmey
03/06/97 02:11:05 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: FDR Memorial Mtg.

We have shceduled the FDR Memorial meeting for Friday 3/7 at 10:30 in
Maria Echaveste's office. If you are not able to make the meeting please
send a staff to represent your office.
Marjorie 6-6594

Message Sent

To: _____
Sylvia M. Mathews/WHO/EOP
John L. Hilley/WHO/EOP
Kathryn O. Higgins/WHO/EOP
Craig T. Smith/WHO/EOP
Ann F. Lewis/WHO/EOP
Bruce N. Reed/OPD/EOP

Message Copied

To: _____
June G. Turner/WHO/EOP
Elizabeth M. Toohey/WHO/EOP
Elisa Millsap/WHO/EOP
Kevin S. Moran/WHO/EOP
Christopher J. Lavery/WHO/EOP
Elena Kagan/OPD/EOP
WHITE_W @ A1 @ CD @ LNGTWY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 14:20:54.00

SUBJECT: Re: scheduling meeting

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

READ: UNKNOWN

TEXT:

not so hard.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 10:31:32.00

SUBJECT: Re: LOCATION CHANGE FOR COS SCHEDULING MEETING

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

READ:UNKNOWN

TEXT:

I'll be as insistent as I know how to be (which, as you know, ...). Do we have anything else pending?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 13:29:07.00

SUBJECT: Re: Conference on Early Learning

TO: Carol_Rasco (Carol_Rasco @ ed.gov @ INET @ LNGTWY [UNKNOWN])
READ:UNKNOWN

TEXT:
thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 13:28:33.00

SUBJECT: Early Learning

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

TEXT:

shit. do you anything about this?

----- Forwarded by Elena Kagan/OPD/EOP on 03/06/97 01:29 PM -----

Stacey L. Rubin

03/06/97 11:28:05 AM

Record Type: Record

To: Nicole R. Rabner/WHO/EOP
cc: Elena Kagan/OPD/EOP
Subject: Early Learning

FYI: I just received a call from Rep. Conyers office informing me that the Midwestern Assoc. for Education of Young People are having an early learning conf. in Grand Rapids, MI from April 16-19. It is supposed to be a pretty big event according to Rep. Conyers office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 19:22:08.00

SUBJECT: Saturday Message Strategy Meeting

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

READ:UNKNOWN

TEXT:

I guess you're not invited. sorry.

----- Forwarded by Elena Kagan/OPD/EOP on 03/06/97 07:23
PM -----

Kevin S. Moran

03/06/97 04:39:25 PM

Record Type: Record

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

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

Subject: Saturday Message Strategy Meeting

MEMORANDUM FOR DISTRIBUTION

FROM: DON BAER

SUBJECT: SATURDAY MESSAGE STRATEGY MEETING

This Saturday, I would like to hold a follow-up to last week's meeting, to continue developing message events that will carry us from late March through the month of April. The meeting will be held from 12:30 to 2:00 p.m. in OEOB room 180.

In particular, the offices and individuals responsible for the following issues should be prepared to discuss events and ideas that emphasize these priorities:

Education (DPC)
Balancing the Budget (NEC)
Welfare-to-Work (DPC)
Campaign Finance Reform (RE)

It is also important to consider events to build-up to two upcoming events:

The White House Conference on Early Childhood Development, April 17 (DPC/HRC)

The National Service Summit, April 27-29 (SM/SS)

Additionally, we should consider possibilities for Earth Day (April 22), which provides an opportunity to launch the President's American Heritage Rivers initiative. Saturday's meeting will not include discussion of foreign policy, which we expect to proceed along a separate track.

At our last meeting, the policy councils and Cabinet Affairs agreed to prepare lists of policy and event options; these should be submitted to Eli Attie (6-5638) as soon as possible, in anticipation of Saturday's meeting.

Message Sent

To:

Gene B. Sperling/OPD/EOP
Elaine C. Kamarck/OVP @ OVP
Douglas B. Sosnik/WHO/EOP
Kathleen A. McGinty/CEQ/EOP
Rahm I. Emanuel/WHO/EOP
John Podesta/WHO/EOP
James E. Mathews/OMB/EOP
Anne W. Hawley/WHO/EOP
Stephanie S. Streett/WHO/EOP
Eli G. Attie/WHO/EOP
BLINKEN_A @ A1 @ CD @ LNGTWY
Elena Kagan/OPD/EOP
Virginia M. Terzano/OVP @ OVP
Jim Kohlenberger/OVP @ OVP
Lorraine A. Voles/OVP @ OVP
Gregory C. Simon/OVP @ OVP
Timothy L. Newell/OSTP/EOP
John L. Hilley/WHO/EOP

Message Copied

To:

Melissa Green/OPD/EOP
Russell W. Horwitz/OPD/EOP
John O. Sutton/WHO/EOP
Robert S. Kapla/CEQ/EOP
Michelle Crisci/WHO/EOP
Sara M. Latham/WHO/EOP
June G. Turner/WHO/EOP
Mary Morrison/WHO/EOP
GRAY_W @ A1 @ CD @ LNGTWY
Elisa Millsap/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 14:21:45.00

SUBJECT: Re: Early Learning

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

TEXT:
sounds great.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 15:42:06.00

SUBJECT: Re: bucket

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

READ:UNKNOWN

TEXT:

everyone agreed with your views at our welfare strategy meeting, right?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 11:18:48.00

SUBJECT: Re: Re[2]: Early childhood

TO: Carol_Rasco (Carol_Rasco @ ed.gov @ INET @ LNGTWY [UNKNOWN])

READ:UNKNOWN

TEXT:

you bet.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-MAR-1997 14:33:27.00

SUBJECT: Issues For Prince

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

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

TEXT:

as you said, 75% of the world. it seems sufficient.

----- Forwarded by Elena Kagan/OPD/EOP on 03/06/97 02:33
 PM -----

Paul J. Weinstein Jr.
 03/05/97 10:27:33 AM
 Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
 CC:
 Subject: Issues For Prince

Here are the range of issues that we have played some role in over the last four years:

Aging/Seniors
 Veterans
 Telecommunications
 Transportation (No one is working on High Speed Rail, and the first line will open up from Boston to Washington in 1999)
 Children and Families
 Infrastructure
 Indians
 Gaming
 Agriculture
 Corporate Responsibility
 Defense Conversion
 Disabilities
 Housing (I assume Jose will handle, but Jonathan knows Cuomo well.)
 Small Business
 Space/NASA
 Science & Technology

I think the most interesting of these are Small Business, Transportation, Telecom, Space/science, infrastructure, and corporate responsibility. We also desperately need someone to work on aging and veterans issues. Aging can be interesting if you include entitlement reform, which is a huge issue, and one in which we should be active.

I definitely am interested in handling environmental issues and would like to keep that as well as political reform. However, I am obviously flexible. One other issue we could give Jonathan is our Liaison to NPR and the REGO effort. I have to admit I haven't done much on that this year and would be willing to give that up if Jonathan is interested.

Let me know what you both think.