

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 005 - FOLDER 001

[1/9/1998 - 2/6/1998]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1998 08:11:12.00

SUBJECT: weekly

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

READ:UNKNOWN

TEXT:

when is he away until? I'm going away for the weekend and want to figure out what I need to do by when. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 17:49:38.00

SUBJECT: Re: Phoenix and me

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/12/98 05:49
PM -----

Bruce N. Reed
01/12/98 05:42:22 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Re: Phoenix and me

fine by me

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 17:31:00.00

SUBJECT: Re: Ed Opp Zones

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

READ:UNKNOWN

TEXT:

good. let andrew mayock know and give him whatever edits you have to his description.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 17:36:38.00

SUBJECT: Time Change - Meeting with Erskine re: Benchmarking

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

TEXT:

jason -- i know nothing about this issue. could I get whatever paper is going in to erskine? thanks much.

----- Forwarded by Elena Kagan/OPD/EOP on 01/12/98 05:36 PM -----

June G. Turner 01/12/98 05:30:31 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: Time Change - Meeting with Erskine re: Benchmarking

The Benchmarking meeting is now at 1:15 pm Tuesday in the Roosevelt Room. I apologize for the short notice.

There will be a Benchmarking meeting with Erskine on Tuesday, January 13 at 2:00 pm in the Roosevelt Room.

Invited Attendees:

- Erskine Bowles
- Sylvia Mathews
- John Podesta
- Frank Raines
- Chuck Ruff
- Janet Yellen
- Gene Sperling
- John Hilley
- Elena Kagan
- Doug Sosnik
- Paul Begala
- Rahm Emanuel
- Maria Echaveste
- Mike McCurry
- Sally Katzen
- Ann Lewis
- Dawn Chirwa
- Rob Weiner
- Richard Hayes
- Minyon Moore

Message Sent

To: _____
Charles F. Ruff/WHO/EOP
Gene B. Sperling/OPD/EOP
Paul E. Begala/WHO/EOP

Douglas B. Sosnik/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Maria Echaveste/WHO/EOP
John L. Hilley/WHO/EOP
Michael D. McCurry/WHO/EOP
Elena Kagan/OPD/EOP
Ann F. Lewis/WHO/EOP
Franklin D. Raines/OMB/EOP
Sally Katzen/OMB/EOP
Dawn M. Chirwa/WHO/EOP
Robert N. Weiner/WHO/EOP
Richard L. Hayes/WHO/EOP
Janet L. Yellen/CEA/EOP
Minyon Moore/WHO/EOP

Message Copied

To:

Carole A. Parmelee/WHO/EOP
Sara M. Latham/WHO/EOP
Ora Theard/WHO/EOP
Peter A. Weissman/OPD/EOP
Eleanor S. Parker/WHO/EOP
Michelle Crisci/WHO/EOP
Miriam H. Vogel/WHO/EOP
Marjorie Tarmey/WHO/EOP
Virginia N. Rustique/WHO/EOP
Lori L. Anderson/WHO/EOP
Laura Emmett/WHO/EOP
Ruby Shamir/WHO/EOP
Wendy A. Taylor/OMB/EOP
Phyllis Kaiser-Dark/OMB/EOP
Angelique Pirozzi/WHO/EOP
Alice H. Williams/CEA/EOP
Janet L. Graves/OMB/EOP
Terri J. Tingen/WHO/EOP
Debra A. Schiff/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 17:30:05.00

SUBJECT: Phoenix and me

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

TEXT:

ok with you?

----- Forwarded by Elena Kagan/OPD/EOP on 01/12/98 05:29
PM -----

Julie A. Fernandes
01/12/98 02:26:30 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Phoenix and me

Elena,

I have made plans to attend the Advisory Board meeting in Phoenix tomorrow and Wednesday (though, b/c of the distance and flight times, I will not be back in the office until Friday). As I mentioned in an e-mail yesterday, both folks at the PIR and Lynn Cutler (b/c of the Native American meeting Wed. night) have urged my attendance. Please let me know if you think this isn't a good idea. Thanks.

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 13:28:54.00

SUBJECT: Re: Presidential Message - Roe v. Wade

TO: Robin Leeds (CN=Robin Leeds/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

i was under the impression that ann lewis had drafted something. did i make this up?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 17:32:46.00

SUBJECT: Re: Sorry; topic of my prior message should have read "Definition of federal pub

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I don't think we should bring bruce in as yet (unless they bring in donna).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 13:22:55.00

SUBJECT: Ed Opp Zones

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

READ:UNKNOWN

TEXT:

could you look at this? and have we/should we release a number?

----- Forwarded by Elena Kagan/OPD/EOP on 01/12/98 01:22 PM -----

Andrew J. Mayock
01/11/98 09:50:48 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Julie A. Fernandes/OPD/EOP
Subject: Ed Opp Zones

I am doing talking points for PIR, which include this paragraph. Is there a \$ figure for this program now? Can we use it? Or are you saving for re-announcement?

Thanks.

Creating "Education Opportunity Zones." On December 3, 1997, at President Clinton's first Race Town Meeting, President Clinton announced a competitive challenge grants program aimed at demonstrating comprehensive, coordinated and effective approaches to expanding opportunities for students in high-poverty urban and rural school districts. These grants are coupled with a balanced approach to increased responsibility for results for schools, educators and students themselves. High-poverty school districts will be eligible for additional Federal funding if (1) they adopt tough reform measures -- like those adopted in Chicago -- that make administrators, principals, teachers and students truly accountable for success or failure, and (2) in time, show real improvements in student achievement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 18:58:27.00

SUBJECT: Re: Feb. mtg. of Advisory Board

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

READ:UNKNOWN

TEXT:

I don't care much.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 17:29:14.00

SUBJECT: Re: bilingual ed

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

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

TEXT:
yes, of course.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 13:27:52.00

SUBJECT: Re: bilingual ed

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

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

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

TEXT:
you bet.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 12:38:40.00

SUBJECT: Re: new republic article

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

READ:UNKNOWN

TEXT:

Oh, the briefing...I thought you said the interview. Sorry.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 11:22:36.00

SUBJECT: new republic article

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

READ:UNKNOWN

TEXT:

Jonathan Chait is doing an article for TNR on Clinton's new domestic policy agenda. Beverly Barnes gave him my name, but I felt a bit uncomfortable talking with him before you did. So I gave him your name, encouraged him to call, and said I'd be delighted to talk to him after. (Maybe a bit wierd, but I wanted to talk to you first.) He said he'd do the interview on whatever terms you want -- he said quotes aren't particularly important to him. He made it sound as if the article will be very positive (but of course they all do, don't they) -- new spurt of energy, active domestic policy, setting the agenda, encounterinh little resistance etc. He said what he really wanted to know was WHY this was happening (and why now) after a period of relative dormancy (is that a word?)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 12:01:35.00

SUBJECT: Re: new republic article

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

READ:UNKNOWN

TEXT:

yep -- that's good. how do we get a transcript?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 16:29:35.00

SUBJECT: Re: Needles/Embryos/Abortion and Other Selected L/HHS General Provisions SPEAK N

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

READ:UNKNOWN

TEXT:

fyi... A concensus seems to be emerging against our compromise, though RS tells me that Scott Hitt is coming around to it. Since we're on the hook to resolve this issue, I think I should have a formal deputies meeting (right after the SOTU?) -- and then you should follow with a principals meeting -- to develop and agree upon options to present to the President.

----- Forwarded by Elena Kagan/OPD/EOP on 01/13/98 04:22 PM -----

Richard Socarides 01/12/98 02:01:19 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: Needles/Embryos/Abortion and Other Selected L/HHS General Provisions SPEAK NOW OR...

here's the e-mail from Sandy which discusses timing.

----- Forwarded by Richard Socarides/WHO/EOP on 01/12/98 02:00 PM -----

Sandra Thurman 01/12/98 10:35:44 AM

Record Type: Record

To: Richard Socarides/WHO/EOP

cc: Maria Echaveste/WHO/EOP

Subject: Re: Needles/Embryos/Abortion and Other Selected L/HHS General Provisions SPEAK NOW OR...

We did comment on the proposed language on needle exchange after consulting with both Chris Jennings and Kevin Thurm. I will forward a copy of the memo to you.

I had a lengthy discussion with Kevin last week regarding this issue. HHS does not plan to do anything on needle exchange until Satcher is confirmed, assuming that will happen in February. If indeed the confirmation is held up for some reason, we will have to revisit the timing of any action.

Contrary to what Scott Hitt may have told you, the AIDS community is still vehemently opposed to any law enforcement component in any compromise we might propose. So are General McCaffrey and I. In fact, it may well be the only point upon which we agree on this issue.

I am meeting again this week with the national AIDS groups to discuss where we are on needle exchange. I'll keep you posted.

Sandy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 13:33:53.00

SUBJECT: Terry Edmonds Farewell Party

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

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 01/13/98 01:33
PM -----

Jordan Tamagni
01/13/98 01:27:29 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: Terry Edmonds Farewell Party

Please join us to wish Terry Edmonds well
in his new role at the
Social Security Administration

The White HouseMess
January 16, at 4:00pm
RSVP
202-456-2777

Message Sent

To: _____
Erskine B. Bowles/WHO/EOP
John Podesta/WHO/EOP
Sylvia M. Mathews/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Ann F. Lewis/WHO/EOP
Bruce N. Reed/OPD/EOP
Gene B. Sperling/OPD/EOP
Douglas B. Sosnik/WHO/EOP
Craig T. Smith/WHO/EOP
Michael D. McCurry/WHO/EOP
John L. Hilley/WHO/EOP
Franklin D. Raines/OMB/EOP
Sidney Blumenthal/WHO/EOP
Maria Echaveste/WHO/EOP
Mickey Ibarra/WHO/EOP
Victoria Radd/WHO/EOP
Capricia P. Marshall/WHO/EOP
Bob J. Nash/WHO/EOP
Stephanie S. Streett/WHO/EOP
John H. Gibbons/OSTP/EOP
Todd Stern/WHO/EOP
Betty W. Currie/WHO/EOP

D. Stephen Goodin/WHO/EOP
Debra A. Schiff/WHO/EOP
Ann F. Walker/WHO/EOP
Jake Siewert/OPD/EOP
Andrew Friendly/WHO/EOP
Kirk T. Hanlin/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Stephen B. Silverman/WHO/EOP
Minyon Moore/WHO/EOP
Joseph P. Lockhart/WHO/EOP
Barry J. Toiv/WHO/EOP
Elena Kagan/OPD/EOP
Antony J. Blinken/NSC/EOP
Eli G. Attie/OVP @ OVP
Virginia M. Terzano/OVP @ OVP
Julia M. Payne/WHO/EOP
Brenda M. Anders/WHO/EOP
Laura D. Schwartz/WHO/EOP
Woyneab M. Wondwossen/WHO/EOP
Sharolyn A. Rosier/WHO/EOP
Jeffrey M. Smith/OSTP/EOP
Thomas A. Kalil/OPD/EOP
Thomas L. Freedman/OPD/EOP
Christopher C. Jennings/OPD/EOP
Diana Fortuna/OPD/EOP
Cynthia A. Rice/OPD/EOP
Stacie Spector/WHO/EOP
Kevin S. Moran/WHO/EOP
Alphonse J. Maldon/WHO/EOP
Phillip Caplan/WHO/EOP
Sean P. Maloney/WHO/EOP
Carolyn E. Cleveland/WHO/EOP
Barbara A. Barclay/WHO/EOP
Debra S. Wood/WHO/EOP
Paul K. Engskov/WHO/EOP
Nicholas R. Baldick/WHO/EOP
Jeffrey A. Forbes/WHO/EOP

Message Copied

To:

Jason S. Goldberg/WHO/EOP
Sara M. Latham/WHO/EOP
June G. Turner/WHO/EOP
Michelle Crisci/WHO/EOP
Ruby Shamir/WHO/EOP
Cathy R. Mays/OPD/EOP
Peter A. Weissman/OPD/EOP
Katharine Button/WHO/EOP
Christopher J. Lavery/WHO/EOP
Lori L. Anderson/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 19:04:49.00

SUBJECT: Re: tobacco

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

READ:UNKNOWN

TEXT:

I don't know -- they'll all think the money is theirs to spend on children's health.

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_i1246207_who_html_1.msoff

Attachment Number: [ATTACH.D93]MAIL47026421J.026

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 11:12:37.00

SUBJECT: ed numbers

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

READ:UNKNOWN

TEXT:

arshad mohammed of reuters just told me that at least person in the White House has told him that the numbers in the WSJ article are "shockingly accurate." He really, really wanted confirmation of the 15 billion total pricetag. Of course, I told him I couldn't help -- which in fact I couldn't; does it all add up to that?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 15:20:50.00

SUBJECT: Re: Resend on FLOTUS race event

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

READ:UNKNOWN

TEXT:

I'm generally not in favor of the FLOTUS announcing policy unless it's in one of her areas (e.g., child care). I'd go for a promising practice instead.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 12:08:22.00

SUBJECT: Re: Radio Address

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 [OPD])
READ:UNKNOWN

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

TEXT:
I like it (even though there are dollars attached).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 15:13:50.00

SUBJECT: tobacco

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

READ:UNKNOWN

TEXT:

emily is getting antsy about the governors' reaction to our tobacco budget -- particularly about our allocating part of the money to teachers. She's trying to think through how/when we should brief them, given possible leaks in the next day or so. Any thoughts?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1998 19:36:12.00

SUBJECT: Re: Long awaited WH education conference memo

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

READ:UNKNOWN

TEXT:

can I read it tonight?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JAN-1998 09:08:47.00

SUBJECT: Re: Benchmarking Meeting

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

READ:UNKNOWN

TEXT:

I have a hectic schedule today, but I'd like to be involved. Laura Emmett keeps my schedule. Thanks.

The following is a brief summary of the key outstanding issues regarding potential Administration support of the Workplace Religious Freedom Act.

1. Statutory Model. The Senate Bill is modeled after the Americans with Disabilities Act. The Administration proposal is based upon Title VII. Both approaches would accomplish essentially the same goal -- the ratcheting up of the protection currently afforded religious exercise under Title VII. There is a significant dispute, however, as to which approach would best accomplish that result. The religious groups' argument in favor of the ADA model is political. Although the ADA approach initially raised concerns within the small business community (because of compliance issues), the religious groups now represent that business supports the ADA model because it offers a familiar regulatory scheme. Similarly, the groups contend that business would oppose legislation that introduces a set of unfamiliar standards.

Administration objections to the ADA model are based upon a number of separate considerations. First, there is concern that the use of ADA language would lead to the watering down of ADA standards because courts would be reluctant to enforce religious accommodations to the same degree that they enforce accommodations for the disabled. Second, DOJ argues that ADA language may raise issues under the establishment clause because its emphasis on special accommodation suggests that it would create a preference for religion rather than merely redress discrimination against religion. Third, DOJ believes that, because the Administration's proposal is more clearly based on anti-discrimination concerns, it could more easily be enacted pursuant to Congress' Section V powers which would allow plaintiffs to collect damages from the states.

2. Premium Pay. Under the Senate Bill, private sector employers would be excused from their obligation under the FLSA to pay overtime to an employee for work in excess of 40 hours when that employee works those overtime hours to make up for time taken off for religious observance. The Department of Labor opposes this provision because it is inconsistent with the Administration's opposition to current Congressional proposals that would allow employees to opt for compensatory time in lieu of premium pay. The religious groups have countered that an existing federal statute (5 U.S.C § 5550a) requires that federal employees who take time off for religious observances are not entitled to overtime pay and that it would therefore not harm Administration policy to allow a similar rule to apply to the private sector for the limited purpose of accommodating religious observance. DOL argues, however, that the analogy is inappropriate because the regulation of federal overtime and private sector overtime raise distinct considerations. For example, other than that provided in section 5550a, the rights of federal employees to overtime pay are far greater than that allowed employees in the private sector.

3. Effect on Seniority Rights. The Senate Bill would allow for the accommodation of religious employees to supersede other employees' seniority rights in certain limited circumstances (i.e. when an employee with seniority rights voluntarily agrees to exchange shifts or jobs with the religious employee who would not otherwise be entitled to accede to the senior employees's shift or job.) The religious groups strongly support this provision believing that employers have consistently hidden behind collective bargaining agreements in denying religious accommodations. Labor objects on policy grounds and DOJ is concerned that to accommodate only religious employees in this context would raise establishment concerns.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JAN-1998 12:09:59.00

SUBJECT: Re: EEOC Event Paper

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

READ:UNKNOWN

TEXT:

do i need new paper because the numbers have changed?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JAN-1998 16:55:55.00

SUBJECT:

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

TEXT:

please make sure -- or make sure andrew makes sure -- that all the agencies get the paper.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JAN-1998 14:11:16.00

SUBJECT:

TO: TOM (Pager) #FREEDMAN (TOM (Pager) #FREEDMAN [UNKNOWN])
READ:UNKNOWN

TEXT:

fax paper when ready to bill lee at 514-0293

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JAN-1998 14:14:24.00

SUBJECT: Re: Agriculture Weekly for Mayock

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

TEXT:

fine, except the reference to the SOTU has to come out (since no one wants anything about farmers in it, and you'll just give the president bad ideas) and "family famers" should be "family faRmers."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JAN-1998 16:59:48.00

SUBJECT: Re: tobacco question

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

TEXT:
yes

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JAN-1998 14:23:51.00

SUBJECT: Re: civil rights q/a

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

TEXT:

these are not q&a. also, you should edit the q&a to pick only those that will be asked in a general interview. (more likely, you should just create a new q&a for this purpose.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JAN-1998 14:07:46.00

SUBJECT: Re: Tobacco and Quality Legislative Strategy meetings

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

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

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

TEXT:

Bruce -- we have something set up, don't we?

Chris -- I'd love to join.

We're also doing a meeting of this kind on child care.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-JAN-1998 14:19:07.00

SUBJECT: tobacco question

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

TEXT:

The President asked us when the recently released "children's marketing" documents were prepared and whether smoking was then illegal for pre-18 year olds in all states (or if not, in how many). Could you prepare something for the weekly? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-JAN-1998 18:15:33.00

SUBJECT: Re: Tobacco Slot

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 [OPD])
READ:UNKNOWN

TEXT:
great job.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-JAN-1998 18:17:28.00

SUBJECT: Re: time poll

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

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

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

TEXT:

Unable to convert ARMS_EXT: [MESSAGE.D89]MAIL427176915.026
The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-JAN-1998.18:25:15.00

SUBJECT: Re: Tobacco Strategy mtg

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

READ:UNKNOWN

TEXT:

I'd try to do it tomorrow even though Rich won't be there. I don't think Frank is necessary -- but then again Gene isn't either -- and once you invite Gene, it's hard not to invite Frank -- and Jack goes to everything Frank does, doesn't he? -- so I lean toward inviting them both (and stressing the need for total confidentiality), but I don't feel strongly.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-JAN-1998 18:15:08.00

SUBJECT: Re: Response to Child Care/Low-Income Housing Tax Credit Questions

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

TEXT:
where is this message?

Paul J. Weinstein Jr.

01/20/98 11:24:41 AM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Jonathan Orszag/OPD/EOP, Jennifer L. Klein/OPD/EOP
Subject: Response to Child Care/Low-Income Housing Tax Credit Questions

You asked me about the status of the

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JAN-1998 19:12:56.00

SUBJECT: Housing assistance by race/ethnicity

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

TEXT:
please print

----- Forwarded by Elena Kagan/OPD/EOP on 01/21/98 07:13
PM -----

Andrea Kane
01/21/98 04:21:27 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Housing assistance by race/ethnicity

Here's a spreadsheet I did summarizing HUD data showing race/ethnicity of those receiving housing assistance, those eligible for but not receiving, and those with worst case housing needs and not receiving. This is the basis for the one pager that specialty press office sent to Spanish language newspaper.

The information is from "Characteristics of HUD-Assisted Renters and Their Units in 1993", prepared by Duane T. McGough, Housing and Demographic Analysis Division, HUD Office of Policy Development and Research, dated May 1997. If anyone wants the actual tables, let me know.

Message Sent

To: _____
Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
WEINSTEIN_P @ A1 @ CD @ LNGTWY
Cynthia A. Rice/OPD/EOP
Francis S. Redburn/OMB/EOP
Julie A. Fernandes/OPD/EOP
Jose Cerda III/OPD/EOP
Emil E. Parker/OPD/EOP

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D91]MAIL47700702N.026 to ASCII,
The following is a HEX DUMP:

00001A0002100400000000001900000720002000010A0000000000000001FO008000000013006
0019001F00080000020130000010001F00080000030130040010001F00080000004013003001000

Unmet housing need among minority populations

(in thousands)

	<u>Assisted (1)</u>	% of TOTAL	<u>Eligible but not assisted (2)</u>	% of TOTAL	<u>Worst case needs and not assisted (3)</u>	% of TOTAL
Black	1625	40.08%	2656	22.62%	1104	22.77%
White	2183	53.85%	8279	70.52%	3354	69.17%
White Hispanic	314	7.75%	1555	13.25%	710	14.64%
White Non-Hispanic	1869	46.10%	6725	57.28%	2644	54.53%
Other	246	6.07%	805	6.86%	391	8.06%
TOTAL (B+W+O)	4054		11740		4849	
Total Hispanic	418	10.31%	1852	15.78%	871	17.96%
Black H (Total H - WhiteH)	104	2.57%	297	2.53%	161	3.32%
Black NH (B-BH)	1521	37.52%	2359	20.09%	943	19.45%
Black NH +Total Hispanic	1939	47.83%	4211	35.87%	1814	37.41%

1993 numbers from American Housing Survey, provided by HUD

(1) receiving public housing, project-based Section 8, and tenant-based Section 8

(2) income 50% or less of median income

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JAN-1998 12:03:19.00

SUBJECT: Re: Havard Law School

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

TEXT:

I don't get it: what makes you ask the question?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JAN-1998 19:13:57.00

SUBJECT: ed and tobacco

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/21/98 07:13
PM -----

Emily Bromberg
01/21/98 05:53:12 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: ed and tobacco

please page me when you can. i'm hearing rumors about releasing ed early
and can't afford to get caught flat footed.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JAN-1998 19:00:13.00

SUBJECT: Final Welfare to Work Housing Voucher documents

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D54]MAIL483196025.026

? To ASCII,

The following is a HEX dump of the file:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D54]MAIL493196026.026 to ASCII,

The following is a HEX DUMP:

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

===== ATTACHMENT 2 =====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D54]MAIL493196027.026 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 2 =====

===== ATTACHMENT 3 =====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D54]MAIL404196028.026 to ASCII,

The following is a HEX DUMP:

===== END ATTACHMENT 3 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-JAN-1998 15:49:47.00

SUBJECT: IMPORTANT Clarification: Education Policy Rollout

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

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

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

TEXT:

I'll call him. He's right that I owe him a call.

----- Forwarded by Elena Kagan/OPD/EOP on 01/22/98 03:49
PM -----

edley @ law.harvard.edu

01/22/98 12:25:00 PM

Record Type: Record

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

cc:

Subject: IMPORTANT Clarification: Education Policy Rollout

Clarification to the earlier email below: I don't mean to be critical of Elena -- I know she's got many more important things to do than yack with an interloping schmoozer. Life is complicated. But I'm trying to do what you've asked me to do.

Also: forgot to send this to Minyon before.

Sylvia:

I've heard rumblings about impending rollout of the "no social promotions" education policy within the next few days.

I have had no success contacting Elena to learn details or give feedback on this policy. I have tried email, voice mail, hallway greeting, and conversation with her secretary. I don't feel that I have standing to call yet again and be a pest.

HOWEVER: Like the Voluntary National Test of 4th and 8th grade students, there are serious substantive and political pitfalls. The VNT was flawed from the start, which I told everyone who would listen, and which is one reason the liberals and minority caucuses decided to get in bed with the GOP to attack the policy. It's not about standards, its about safeguards to prevent abuses of powerless poor and minority kids. (And, let me add, when in June and July I raised these issues with Secretary Riley and the President, they expressed a great deal of concern, both substantive and political. If indeed they had been presented with the information and perspective I offered prior to adopting the VNT, they either dudn't recall it, had not been given a fair sense of the weight of those concerns, or gave me Academy Award performances.)

The basic substantive question is whether the safeguards are merely hortatory (my suspicion) or are central and mandatory. I am fearful, because on a wide range of social welfare issues, the Administration has been very reluctant to impose regulatory strings.

It is also important to anticipate and answer the objections many moderate and liberal researchers will raise. For example, students who fall 2 years behind their age cohort in grade have something like a 98 percent HS drop out rate; does that matter, and if so, how is your concern reflected in the design of this policy?

Sylvia, I made a mistake in not making earlier, vigorous objections to all the visibility the White House bestowed on Abigail Thernstrom, when other more responsible conservative voices are available. Then, in a box, I felt the need to go on the record with reporters expressing my dismay. That was an awkward thing for me to do, and I'm sure many at the White House resented it. But it I felt compelled to do it, since I'm not on the staff and the terms of our arrangement were that I would keep my own voice, but be judicious. My work with the National Research Council and civil rights groups on the VNT began before consultancy with you on the race initiative.

This rollout of a social promotion policy I know virtually nothing about holds the potential to create a third and far more serious problem for me, because the issue goes to the core of opportunity issues about which I care so deeply. I hope we can find a process that will get me comfortable with whatever you are planning to do, and thereby avoid the problem of deciding (together) whether I need to resign.

cc: Elena, Maria, Minyon

Message Sent

To: _____
 Elena Kagan
 June G. Turner
 Maria Echaveste
 Minyon Moore
 Sylvia M. Mathews

===== 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 V5.0-4 #6879)
 id <01ISOECI2DWG0179Y8@PMDF.EOP.GOV>; Thu, 22 Jan 1998 12:26:20 -0500 (EST)
 Received: from storm.eop.gov (storm.eop.gov)
 by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ISOECGP37K00C9H2@PMDF.EOP.GOV>; Thu,
 22 Jan 1998 12:26:19 -0500 (EST)
 Received: from law.harvard.edu ([140.247.200.68])
 by STORM.EOP.GOV (PMDF V5.1-7 #6879)
 with ESMTTP id <01ISOEBT8WDA00004R@STORM.EOP.GOV>; Thu,
 22 Jan 1998 12:25:50 -0500 (EST)
 Received: from CEHome.law.harvard.edu (ip215.westford.ma.pub-ip.psi.net)
 by law.harvard.edu with SMTP (1.40.112.8/16.2) id AA087969938; Thu,
 22 Jan 1998 12:25:38 -0500
 X-Sender: edley@pop.law.harvard.edu

http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL_PATH=/nlcp-2/Arms404/opd/OPD_1994...

X-Mailer: QUALCOMM Windows Eudora Pro Version 3.0.2 (16)
===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-JAN-1998 15:51:20.00

SUBJECT: Re: Cabinet Meeting

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D98]MAIL44509512K.026

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JAN-1998 09:57:54.00

SUBJECT: Re: Question re: Background Paper For State Of the Union

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

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

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D27]MAIL42186322F.026

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JAN-1998 13:49:22.00

SUBJECT: Re: Encyclopedia entry

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D84]MAIL44560522I.026

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JAN-1998 08:36:29.00

SUBJECT: UPDATE of Congressional SOTU rollout

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/26/98 08:37 AM -----

JANET MURGUIA
01/24/98 08:57:52 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: UPDATE of Congressional SOTU rollout

Message Sent

- To: _____
- Bruce N. Reed/OPD/EOP
 - Elena Kagan/OPD/EOP
 - Jason S. Goldberg/WHO/EOP
 - John Podesta/WHO/EOP
 - Sylvia M. Mathews/WHO/EOP
 - Douglas B. Sosnik/WHO/EOP
 - Craig T. Smith/WHO/EOP
 - Ann F. Lewis/WHO/EOP
 - Stacie Spector/WHO/EOP
 - Ann F. Walker/WHO/EOP
 - Paul E. Begala/WHO/EOP
 - Rahm I. Emanuel/WHO/EOP
 - Carole A. Parmelee/WHO/EOP
 - Franklin D. Raines/OMB/EOP
 - Gene B. Sperling/OPD/EOP
 - Jacob J. Lew/OMB/EOP
 - Maria Echaveste/WHO/EOP
 - Mickey Ibarra/WHO/EOP
 - Minyon Moore/WHO/EOP
 - Robert M. Shireman/OPD/EOP
 - Michael Cohen/OPD/EOP
 - Erskine B. Bowles/WHO/EOP
 - Michael D. McCurry/WHO/EOP
 - Amy W. Tobe/WHO/EOP
 - Monica M. Dixon/OVP @ OVP
 - Kay Casstevens/OVP @ OVP
 - Sara M. Latham/WHO/EOP

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

Hill Briefings on the State of the Union

MONDAY

- 10:00 am House Policy Staff - Legislative Directors, Administrative Assistants, and select Committee Staff
Cannon Caucus Room, Rm 345
White House Participants: Reed/Kagan, Sperling/Lew, Begala, Murguia
- 11:30 am Senate Policy Staff - Legislative Directors, Administrative Assistants, and select Committee Staff
562 Dirksen Senate Office Building
White House Participants: Reed/Kagan, Sperling/Lew, Begala, Murguia
- 1:00 pm Congressional Hispanic Caucus
Member Conference Call
White House Participants: Murguia, Sperling, Raines, Riley, Reed, Echaveste, Ibarra, Shireman, Cohen
- 1:30 pm New Democrats Coalition (Co-Chairs Roemer, Dooley, Moran plus approx. 20 to 30 Members)
2168 Rayburn House Office Building (Gold Room)
White House Participants: VPOTUS, Kay Casstevens, Dave Thomas, Rick Gonzales, Janet Murguia
- TBD pm Congressional Black Caucus
Member Conference Call
White House Participants: Raines, Sperling, Kagan, Moore, Murguia (alert-- Mathews/Bowles)
- TBD pm Congressman Gary Condit, Blue Dog Coalition Chair
Phone call
White House Contact: Bruce Reed or Monica Dixon
- TBD pm Congresswoman Patsy Mink, Asian Pacific Caucus Chair
Phone Call
White House Contact: Janet Murguia
- TBD pm Congressman Bernie Sanders, Progressive Caucus Chair
Phone Call
White House Contact: Erskine Bowles

TUESDAY

TBD AM/PM Targeted Members and Senators

Phone Calls

White House Participants: Cabinet Secretaries and Senior Staff

[Assignments on Monday]

2:00 pm

House and Senate Democratic Leadership Members

US Capitol, S-214 (Daschle's Conference Room)

White House Participants: TBD

5:00 pm

House and Senate Democratic Press Secretaries

US Capitol, SC-5

White House Participants: Lewis, McCurry, Weiss-Tobey, Begala, Murguia

**PRESIDENT CLINTON'S PROPOSALS:
HEALTH CARE THAT STRENGTHENS AMERICA'S FAMILIES**

Passing Comprehensive Bipartisan Tobacco Legislation That Reduces Teen Smoking and Changes the Way Tobacco Companies Do Business. Every day 3,000 young people start smoking and 1,000 of them will die prematurely from a tobacco-related disease. Moreover, 90 percent of adults who smoke began before the age of 18. The President called on Congress to pass comprehensive national bipartisan legislation that includes five key principles: (1) it must mandate the development of a comprehensive plan to reduce teen smoking, including raising the cost of cigarettes by \$1.50 per pack if that is what it takes to stop children from smoking; (2) it must affirm the FDA's full authority to regulate tobacco products; (3) it must include measures to hold tobacco companies accountable, especially for marketing products to children; (4) it must include concrete measures to improve public health, from investing in research to reducing second hand smoke to expanding smoking cessation; and (5) it must protect the financial well-being of tobacco farmers and their communities from the loss of income caused by our efforts to reduce smoking.

Creating a Historic "21st Century Research Fund" With an Unprecedented 50 Percent Increase in Biomedical Research at the National Institutes of Health (NIH) over five years, including an unprecedented \$1.15 billion increase in FY1999. Scientists are on the cusp of important new breakthroughs in biomedical research which could revolutionize the way medical experts understand, treat, and prevent some of our most devastating diseases. New imaging technologies are giving new insights into the structure of disease and revolutionary progress in genetics are charting new ways to conquer diseases, such as cancer, Alzheimer's, AIDS, and brain tumors. The President's budget contains a historic upfront investment in biomedical research and, for the first time, proposes a sustained investment in NIH over five years which results in a 50 percent increase. Under the President's proposal, over \$20 billion would be dedicated to biomedical research the NIH in 2003.

Protecting Patients Through a Consumer Bill of Rights and Genetic Screening Protections. The President called on Congress to pass Federally enforceable consumer health care protections before it adjourns this fall. This health care bill of rights should contain a range of protections, including guaranteed access to needed health care specialists **to ensure that patients are provided appropriate high quality care**, access to emergency room services when and where the need arises, an assurance that medical records are confidential, and access to a meaningful **internal and external appeals process for consumers to resolve their differences with their health plans and health care providers. The nation's health care system has changed dramatically, as more than 100 million Americans are now in managed care plans. This legislation will ensure that whether Americans have traditional health insurance or managed care, that they are assured quality care. Moreover, to ensure that new advances in genetics are used to improve health rather than to discriminate, the President has called for legislation that ensures that genetic screening is not used to discriminate in health insurance and employment.**

Providing New Options for Americans Ages 55 to 65 to Access Health Insurance, Including Buying Into Medicare. Americans ages 55 to 65 are one of the most difficult-to-insure populations: they have less access to and a greater risk of losing employer-based health insurance; and they are twice as likely to have health problems. The President's proposal gives this vulnerable population three new options to access health insurance by: (1) allowing Americans ages 62 to 65 to buy into Medicare, through a premium that ensures that this policy is self-financed; (2) providing vulnerable displaced workers 55 and over access to Medicare by offering those who have involuntarily lost their jobs and their health care coverage a similar Medicare buy-in option; and (3) giving Americans 55 and over who have lost their retiree benefits after they retire access to their former employers' health insurance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 15:12:06.00

SUBJECT: SOTU Attendance Instructions

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/27/98 03:12 PM -----

Laura A. Graham
01/27/98 12:11:47 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: SOTU Attendance Instructions

The following staff members have been approved to attend the SOTU speech and will be receiving floor passes this afternoon by the Office of Legislative Affairs. Please make sure that your principals follow these specific instructions for tonight to ensure that the evening runs smoothly. If you do not receive your ticket and are on the below list please let me know asap. If you have any other questions please do not hesitate to call me at x62349. Thanks for your help!

- 1) You must have a floor pass to attend. If you have not been approved and do not have a floor pass than you will not be allowed inside the Capital, so please do not get into the motorcade.
- 2) For those who have passes, please report to the Diplomatic Reception Room NO LATER THAN 8:10 PM to meet the motorcade. Upon request from the Hill, you must travel to the speech in the President's motorcade.
- 3) Upon arrival at the Capital, staff members will meet you and escort you to the appropriate area inside.
- 4) Upon completion of the President's speech, you are welcome to return to the White House in the motorcade. Again, staff will be available to direct you.

Staff List
John Podesta
Sylvia Mathews
Sandy Berger
Gene Sperling
Melanne Verveer
Bruce Reed
Jack Lew
Susan Liss
Cheryl Mills
Kris Engskov
Rahm Emanuel
Doug Sosnik
Paul Begala

Sidney Blumenthal
Goody Marshall
Stephen Silverman
Ann Lewis
Michael Waldman
Jordan Tamagni
Bruce Lindsey
Dan Tarullo
Capricia Marshall
Mickey Ibarra
Virginia Apuzzo
Craig Smith
Bob Nash
Michael McCurry
Maria Echaveste
Stephanie Streett
Todd Stern
Katie McGinty
Jack Gibbons
Nancy Hernreich
Lanny Bruer
Jim Steinberg
Tony Blinken
Charles Ruff
Janis Kearny
Elena Kagan
Barbara Chow
Debi Schiff
Betty Currie
Carolyn Huber
Vicki Radd
Paul Tuchman
Janet Murguia
Don Goldberg
Martha Foley
Lucia Wyman
Al Maldon

Message Sent

To:

John Podesta/WHO/EOP
Sylvia M. Mathews/WHO/EOP
Cheryl D. Mills/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Douglas B. Sosnik/WHO/EOP
Paul E. Begala/WHO/EOP
Sidney Blumenthal/WHO/EOP
Thurgood Marshall Jr/WHO/EOP
Stephen B. Silverman/WHO/EOP
Ann F. Lewis/WHO/EOP
Michael Waldman/WHO/EOP
Jordan Tamagni/WHO/EOP
Bruce R. Lindsey/WHO/EOP
Daniel K. Tarullo/OPD/EOP
Capricia P. Marshall/WHO/EOP
Mickey Ibarra/WHO/EOP
Virginia Apuzzo/WHO/EOP
Craig T. Smith/WHO/EOP
Bob J. Nash/WHO/EOP
Michael D. McCurry/WHO/EOP

Maria Echaveste/WHO/EOP
Stephanie S. Streett/WHO/EOP
Todd Stern/WHO/EOP
Kathleen A. McGinty/CEQ/EOP
John H. Gibbons/OSTP/EOP
Nancy V. Hernreich/WHO/EOP
Antony J. Blinken/NSC/EOP
Charles F. Ruff/WHO/EOP
Elena Kagan/OPD/EOP
Barbara Chow/OMB/EOP
Debra A. Schiff/WHO/EOP
Betty W. Currie/WHO/EOP
Carolyn Huber/WHO/EOP
Victoria Radd/WHO/EOP
Paul A. Tuchmann/WHO/EOP
Janet Murguia/WHO/EOP
Donald Goldberg/WHO/EOP
FOLEY_M @ A1 @ CD @ LNGTWY
Lucia A. Wyman/WHO/EOP
Alphonse J. Maldon/WHO/EOP
Susan M. Liss/OVP @ OVP
Jacob J. Lew/OMB/EOP
Gene B. Sperling/OPD/EOP

Message Copied

To:

Sara M. Latham/WHO/EOP
June G. Turner/WHO/EOP
Michelle Crisci/WHO/EOP
Terri J. Tingen/WHO/EOP
Eleanor S. Parker/WHO/EOP
Ruby Shamir/WHO/EOP
Kevin S. Moran/WHO/EOP
Elisabeth Steele/WHO/EOP
Dominique L. Cano/WHO/EOP
Laura K. Demeo/WHO/EOP
Marjorie Tarmey/WHO/EOP
Melissa M. Murray/WHO/EOP
Kristen E. Panerali/OPD/EOP
Laura D. Schwartz/WHO/EOP
Suzanne Dale/WHO/EOP
Christopher J. Lavery/WHO/EOP
Darby E. Stott/WHO/EOP
Lori L. Anderson/WHO/EOP
Mary Morrison/WHO/EOP
Michael V. Terrell/CEQ/EOP
Carolyn E. Cleveland/WHO/EOP
Edward F. Hughes/WHO/EOP
Jennifer C. Poole/NSC/EOP
HILLIARD_B @ A1 @ CD @ LNGTWY
Stacey L. Rubin/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
Rebecca A. Cameron/WHO/EOP
Peter A. Weissman/OPD/EOP
Cathy R. Mays/OPD/EOP
Katharine Button/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1998 10:35:28.00

SUBJECT: Sally Katzen

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

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 01/27/98 10:35 AM -----

Wendy A. Taylor 01/27/98 09:44:51 AM

Record Type: Record

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

Message Sent

To: _____

- All OMB Users
- Sarah A. Bianchi/OPD/EOP
- Lisa M. Brown/OVP @ OVP
- Bradley M. Campbell/CEQ/EOP
- Lynn G. Cutler/WHO/EOP
- Toby Donenfeld/OVP @ OVP
- Shelley N. Fidler/CEQ/EOP
- Clifford J. Gabriel/OSTP/EOP
- John H. Gibbons/OSTP/EOP
- Donald H. Gips/OVP @ OVP
- Peter G. Jacoby/WHO/EOP
- Christopher C. Jennings/OPD/EOP
- Elena Kagan/OPD/EOP
- Ron Klain/OVP @ OVP
- Linda Lance/CEQ/EOP
- Rachel E. Levinson/OSTP/EOP
- Randall W. Lutter/CEA/EOP
- William P. Marshall/WHO/EOP
- Kathleen A. McGinty/CEQ/EOP
- Adele C. Morris/CEA/EOP
- Janet Murguia/WHO/EOP
- John Podesta/WHO/EOP
- Victoria Radd/WHO/EOP
- Sara M. Latham/WHO/EOP
- Sarah J. Reber/CEA/EOP
- Barry J. Toiv/WHO/EOP
- June G. Turner/WHO/EOP
- Wesley P. Warren/CEQ/EOP
- Robert N. Weiner/WHO/EOP
- Paul J. Weinstein Jr./OPD/EOP
- Morley A. Winograd/OVP @ OVP
- Janet L. Yellen/CEA/EOP
- Jonathan A. Kaplan/OPD/EOP
- Tracey E. Thornton/WHO/EOP
- Karen Tramontano/WHO/EOP
- Stephen B. Silverman/WHO/EOP

Kris M Balderston/WHO/EOP
FOLEY_M @ A1@CD@LNGTWY
Lucia A. Wyman/WHO/EOP
Maria Echaveste/WHO/EOP
Doris O. Matsui/WHO/EOP
Phillip Caplan/WHO/EOP
Todd Stern/WHO/EOP
Michele Jolin/CEA/EOP
John L. Hilley/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 27-JAN-1998 15:11:46.00

SUBJECT: URGENT

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

TEXT:
----- Forwarded by Elena Kagan/OPD/EOP on 01/27/98 03:12
PM -----

Kevin S. Moran
01/27/98 01:54:28 PM
Record Type: Record

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

Two important changes. If at all possible please use this version
outside the White House. k

Message Sent

- To: _____
- Ann F. Walker/WHO/EOP
 - Kevin S. Moran/WHO/EOP
 - Ruby Shamir/WHO/EOP
 - Michael Waldman/WHO/EOP
 - Jordan Tamagni/WHO/EOP
 - June Shih/WHO/EOP
 - Lowell A. Weiss/WHO/EOP
 - Antony J. Blinken/NSC/EOP
 - LEAVY_D @ A1 @ CD @ LNGTWY
 - VINCA S (Pager) #LAFLEUR
 - Thomas D. Janenda/WHO/EOP
 - Glen M. Weiner/WHO/EOP
 - Robin J. Bachman/WHO/EOP
 - Andrew J. Mayock/WHO/EOP
 - Sara M. Latham/WHO/EOP
 - Michelle Crisci/WHO/EOP
 - Douglas B. Sosnik/WHO/EOP
 - Ron Klain/OVP @ OVP
 - Virginia M. Terzano/OVP @ OVP
 - Eli G. Attie/OVP @ OVP
 - Katharine Button/WHO/EOP
 - Roberta W. Greene/WHO/EOP
 - Marsha E. Berry/WHO/EOP
 - Thurgood Marshall Jr/WHO/EOP
 - Stephen B. Silverman/WHO/EOP
 - Katherine Hubbard/WHO/EOP
 - David S. Beaubaire/WHO/EOP
 - Cheryl D. Mills/WHO/EOP
 - Bruce N. Reed/OPD/EOP
 - Elena Kagan/OPD/EOP

Christa Robinson/OPD/EOP
Mickey Ibarra/WHO/EOP
Lynn G. Cutler/WHO/EOP
Emily Bromberg/WHO/EOP
Fred DuVal/WHO/EOP
Sky Gallegos/WHO/EOP
Cecily C. Williams/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
Susan A. Brophy/WHO/EOP
Ellen M. Lovell/WHO/EOP
Gene B. Sperling/OPD/EOP
Jonathan Orszag/OPD/EOP
Jonathan A. Kaplan/OPD/EOP
Jake Siewert/OPD/EOP
Maria Echaveste/WHO/EOP
Robert B. Johnson/WHO/EOP
Doris O. Matsui/WHO/EOP
D. Stephen Goodin/WHO/EOP
Craig T. Smith/WHO/EOP
Minyon Moore/WHO/EOP
Karen E. Skelton/WHO/EOP
Judith A. Winston/PIR/EOP
Claire Gonzales/PIR/EOP
Michael D. McCurry/WHO/EOP
Amy W. Tobe/WHO/EOP
Joseph P. Lockhart/WHO/EOP
Barry J. Toiv/WHO/EOP
Nanda Chitre/WHO/EOP
Stephanie S. Streett/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Karen E. Finney/WHO/EOP
Aviva Steinberg/WHO/EOP
Laura A. Graham/WHO/EOP
Todd Stern/WHO/EOP
Dan K. Rosenthal/WHO/EOP
Christopher Wayne/WHO/EOP
Beverly J. Barnes/WHO/EOP
Karen Tramontano/WHO/EOP
Victoria Radd/WHO/EOP
Peter Rundlet/WHO/EOP
Audrey T. Haynes/WHO/EOP
Ellen M. Lovell/WHO/EOP
Kathleen A. McGinty/CEQ/EOP
Susan M. Liss/OVP @ OVP
Jennifer N. Devlin/OVP @ OVP
Anne E. McGuire/WHO/EOP
Suzanne Dale/WHO/EOP
Julie E. Mason/WHO/EOP
Nicholas R. Baldick/WHO/EOP
Simeona F. Pasquil/WHO/EOP
Linda L. Moore/WHO/EOP
Kris M Balderston/WHO/EOP
Lori L. Anderson/WHO/EOP

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D63]MAIL47547562K.026 to ASCII,
The following is a HEX DUMP:

FF5750437E050000010A020100000002050000000B3F0000000200002083ED9C49984808F5481F

http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL_PATH=/nlcp-2/Arms404/opd/OPD_19940...

**TALKING POINTS
STATE OF THE UNION ADDRESS**

January 26, 1998

**THE PRESIDENT'S STATE OF THE UNION ADDRESS IS A CONCRETE PLAN OF ACTION
THAT IDENTIFIES OUR PRIORITIES AND APPROACHES TO KEY ISSUES**

- **We have a unique moment in time to prepare America for the 21st Century. Under President Clinton's leadership, America has achieved an unprecedented period of peace and prosperity:**
 - the strongest economy in a generation;
 - the first balanced budget in a generation;
 - crime rates at their lowest levels in 24 years;
 - welfare rolls down by 4.3 million people;
 - unemployment at its lowest level in more than two decades;
 - deficit cut by more than 90 percent;
 - unrivaled world leadership.
- **This is an opportunity for action. The President's State of the Union address will challenge us to use this unique moment in time as an opportunity to prepare for the next century. It builds on the new kind of government President Clinton is creating -- a leaner, more flexible government. One that does not try to do everything. One that gives Americans the tools and conditions needed to make the most of their own lives.**
- **At the center of President Clinton's vision for a stronger America are three goals:**
 - an economy that honors opportunity;
 - a society rooted in responsibility;
 - and, a nation that lives as a community.

**HERE IS HOW THESE GOALS FIT INTO PRESIDENT CLINTON'S VISION OF
A STRONGER AMERICA IN THE 21ST CENTURY:**

- **An Economy that offers more opportunity. The President will outline a plan for building a stronger, more prosperous America. Central to his strategy is:**
 - **Driving the budget deficit down to 0. During the first 5 years -- by making tough choices and fiscally responsible policies -- President Clinton took the nation's budget deficit down from \$290 billion to \$23 billion. This year, President Clinton will make history and give the American people their first balanced budget in 30 years.**
 - **Reserving any budget surplus until Social Security is reformed. President Clinton is deeply committed to ensuring that Social Security remain a viable,**

effective program, providing retirement security for all Americans in the 21st century. That is why he is calling on Congress to secure Social Security for future generations as a first priority.

- **Investing in the American people through education and training.** Education is the key to opportunity. Tomorrow, President Clinton will ask us to make our public elementary and secondary schools the best in the world -- by raising standards, raising expectations and raising accountability. He will call for:
 - voluntary national testing;
 - 100,000 new teachers in grades 1-3;
 - a School Construction Tax Cut to help rebuild, modernize, and build new schools;
 - a mentoring program;
 - continued college access expansion, so that every American who wants to can go to college.

- **Tearing down trade barriers to open new markets for American products and workers.** The President's plan seeks to renew his negotiating authority to open even more foreign markets to American goods and services. When countries hurt by economic instability are willing to undertake serious efforts to put their own economic houses in order, the President's plan calls for responsible action to give them a chance to implement their reforms. It also includes initiatives to enable all Americans to share in the prosperity of the global marketplace. Building on the funding for training we have provided to dislocated workers, the President will challenge Congress to pass the GI Bill for Workers to give workers a simple grant so they can move more quickly to newer, better jobs.

- **A Society that Acts Responsibly.** The President is intent on helping create a society that acts responsibly. To enforce this commitment, the President's plan will:
 - **Continue moving people from welfare to work.** Challenge thousands more businesses to join the 3000 companies already in our welfare-to-work partnership.

 - **Health Care Consumer Bill of Rights.** The President called on Congress to pass federally enforceable consumer health care protections before it adjourns this year. This Health Care Bill of Rights should contain a range of protections, including guaranteed access to needed health care specialists to ensure that patients are provided appropriate high quality care and access to emergency room services when and where they need it.

 - **Access to affordable, quality health care.** Providing new options for Americans ages 55 to 65 to obtain Health Insurance, including opportunities to buy into Medicare.

 - **An historic child care initiative.** To improve child care for America's working families the President is proposing approximately \$20 billion over five years for child care, including elements to help working families

- pay for child care, build a good supply of after-school programs, improve the safety and quality of care, and promote early learning.
 - **Fighting juvenile crime and drugs.** With murder, robbery, assault and burglary down all across the nation, President Clinton is calling for a special focus on addressing juvenile crime -- providing more resources to crack down on gangs, guns, and drugs. When coordinated with the support provided by the largest anti-drug budget in history and with the outstanding leadership General McCaffery brings to our national drug policy, these new efforts are sure to keep drug use on decline.
 - **Ensure our commitment to world leadership.** The President is committed to keeping America strong by maintaining our role as the world's indispensable nation. This includes:
 - building an undivided, democratic Europe by expanding NATO;
 - remaining a force for peace throughout the world;
 - moving strongly against new threats to our security;
 - reducing the threat of weapons of mass destruction.
 - **Strengthening Our Communities.** The President's plan helps strengthen America's communities by:
 - **Investing in our cities,** giving them the tools and opportunities they need to continue an urban renaissance. President Clinton firmly believes that the best community development program, the best anti-poverty program, and the best jobs program is a growing economy. The President's plan helps our inner cities by:
 - helping bring private enterprise into the inner city;
 - increasing funding for empowerment zones;
 - increasing funding for community development banks, to spur more investment and loans;
 - providing tax incentives to develop affordable low income housing.
 - **Protecting the environment,** ensuring a cleaner, healthier planet for our children. The President's plan invests:
 - through \$6 billion in tax cuts to businesses and individuals, the President's Climate Change Plan finds a way to grow the economy and reduce greenhouse emissions at the same time;
 - large increases in research and development so we can find more and more innovative ways to continue cleaning the environment while keeping the economy strong.
 - **Helping the country become One America for the 21st Century.** The goal of the President's Initiative on Race is to create a more just and fair society that underscores our shared strengths, instead of focusing on our differences. President Clinton is determined to continue his commitment with the Race Initiative in 1998 -- emphasizing that our national diversity is our greatest strength.
 - **Preparing for the Millennium.** In conclusion, the President will talk of the importance of the Millennium and the opportunity it presents us to honor the past,

and imagine the future.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JAN-1998 14:04:28.00

SUBJECT: Re: Groundhog Shadow Mentoring Day Monday

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D71]MAIL404655722.026

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@LNGTWY (Elena Kagan@EOP@LNGTWY@LNGTWY [OPD])

CREATION DATE/TIME:28-JAN-1998 19:54:49.00

SUBJECT: Re: Friday meeting

TO: Michael Cohen@EOP (Michael Cohen@EOP [OPD])

READ:UNKNOWN

TEXT:

Message Creation Date was at 18-MAR-1997 18:35:00

yes, excellent idea.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 16:55:24.00

SUBJECT: Re: budget rollout

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D65]MAIL44421792M.026

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 18:09:54.00

SUBJECT: Re: The Partnership

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

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

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

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D55]MAIL477877921.026
The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 16:29:22.00

SUBJECT: Tobacco q and a

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D8]MAIL47549692X.026

The following is a HEX dump of the file:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D8]MAIL48549692Y.026 to ASCII,

The following is a HEX DUMP:

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 18:19:20.00

SUBJECT: CLINTON WANTS HUGE INCREASE IN INDIAN LAW ENFORCEMENT

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D91]MAIL45438792Z.026

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 16:46:21.00

SUBJECT: tobacco q&a

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

TEXT:

Here's another. Out it right before the liability question (i.e., second to last):

Q: Does your budget assume that the revenues from tobacco legislation will come from increased excise taxes, or from industry payments pursuant to a settlement?

A: The budget does not say how the funds will be raised: it is compatible either with increased excise taxes or with a schedule of industry payments established in a settlement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 17:28:06.00

SUBJECT: food safety

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

TEXT:

A while ago, glickman wrote to erskine that USDA would look into drafting "alternative" country-off-origin legislation. (This was in the memo in which glickman trashed the idea generally.) Could you check in with folks over there and find out what has happened to this? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 17:24:29.00

SUBJECT: food safety

TO: Morley A. Winograd (CN=Morley A. Winograd/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TEXT:

what happened to the single agency idea? the last time we talked, the VP was going to talk to glicman, shalala, etc.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 17:56:18.00

SUBJECT: michigan privatization

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

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

TEXT: .

Unable to convert ARMS_EXT:[MESSAGE.D49]MAIL46827792Y.026
The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 13:06:04.00

SUBJECT: Re: EEOC

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

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

TEXT:

ok; let me know if there's anything to be concerned about

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1998 17:25:01.00

SUBJECT: all-girls school

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

READ:UNKNOWN

TEXT:

could you get an update from Ed on this? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 15:57:38.00

SUBJECT: Re: Belated greetings

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

TEXT:
susan kaplan. she's great. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 09:13:16.00

SUBJECT: Tobacco Budget and Q&A.

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

TEXT:

Jack -- see item #1 below. I think Jerry is right on this one. Let me know if you disagree. Many thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 02/02/98 09:13 AM -----

Jerold R. Mande

01/30/98 06:47:53 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP
CC:
Subject: Tobacco Budget and Q&A.

Two items:

1. I heard from a Senate staffer who attended a briefing Jack Lew did on the budget today that Jack described our proposed tobacco budget as a "floor." I have been saying it is neither a floor or ceiling, it is the amount experts tell us is necessary to reach the youth targets.

2. At a meeting yesterday you said our budget contains the same \$26B over 5 years for states that was in the 6/20 deal (\$4 - \$4.5 - \$4.5 - \$6.5 - \$6.5). Presenting this fact will provide groups a number to subtract from the "other uses" and highlight that there may not be the \$\$ they hoped for for tobacco control or growers. On the other hand providing the number may be reassuring to the states. Your call. I wanted to make sure you focused on it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 19:03:12.00

SUBJECT: bill analysis

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

TEXT:

please print with attachments

----- Forwarded by Elena Kagan/OPD/EOP on 02/02/98 07:04
PM -----

Thomas L. Freedman
02/02/98 05:38:31 PM
Record Type: Record

To: Elena Kagan/OPD/EOP, Jerold R. Mande/OSTP/EOP
cc: Laura Emmett/WHO/EOP, Mary L. Smith/OPD/EOP
Subject: bill analysis

NIH analysis of Feinstein bill and side by side.

----- Forwarded by Thomas L. Freedman/OPD/EOP on 02/02/98
05:37 PM -----

Rachel E. Levinson 02/02/98 04:18:14 PM

Record Type: Record

To: Thomas L. Freedman/OPD/EOP
cc:
Subject: bill analysis

just got it.

----- Forwarded by Rachel E. Levinson/OSTP/EOP on
02/02/98 04:17 PM -----

Skirboll @ od1tm1.od.nih.gov
02/02/98 03:27:06 PM

Record Type: Record

To: levinson
cc: wraub @ osaspe.dhhs.gov
Subject: bill analysis

Here is our analysis of the Feinstein Bill and a side by side on all of the Bill we know about to date. (Bill the analysis of the Feinstein bill is slightly changed from the earlier version.) Please let us know if there is anything else you need.

lana

SCIENTIFIC ANALYSIS OF CLONING BILL PROPOSED BY SENATOR FEINSTEIN

A BILL

To prohibit any attempt to create a human being using somatic cell nuclear transfer, to provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings, and for other purposes.

The phrase "attempt to create a human being" could be interpreted by certain factions as an attempt to create an embryo, although this distinction is cleared up in the prohibitions section.

SECTION 1. Short Title

This Act may be cited as the "Prohibition on Cloning of Human Beings Act of 1998".

This title is succinct and accurate, unlike the titles of other bills, such as the "Human Cloning Prohibition Act" which could imply prohibition of inadvertent twinning of some infertility treatments.

SEC. 2. Findings

This section accurately recounts the findings of the NBAC on cloning.

SEC. 3. Purposes.

It is the purpose of this Act to—

- (1) prohibit any attempt to create a human being using somatic cell nuclear transfer cloning; and
- (2) provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in humans.

Once again, the phrase "attempt to create a human being" could be interpreted by certain factions as an attempt to create an embryo.

SEC. 4. Definitions.

In this Act:

- (1) Cloning— the production of a precise genetic copy of a molecule (including DNA), cell, tissue, plant, animal or human.

Some scientists might argue that cloning is not a "precise" genetic copy, due to the invariable mistakes made in replicating DNA, and some would argue that a human is an animal, but this definition does not pose any negative implications for research.

(2) Nucleus– the cell structure that houses the chromosomes, and thus the genes.

Accurate for the purposes of this Act, but there are genes outside of the nucleus (mitochondrial genes.)

(3) Oocyte–the female germ cell, the egg.

Would this definition include immature oocytes? If it did not, this could possibly allow somatic cell nuclear transfer to create a human being to take place with an immature oocyte.

(4) Somatic cell–a mature, diploid cell.

Not entirely clear what “mature” means. If it means “differentiated” this would allow somatic cell nuclear transfer to create a human being using an undifferentiated embryo cell, which could allow for treatment of infertility due to mitochondrial diseases.

(5) Somatic cell nuclear transfer–transferring the nucleus of a somatic cell of an existing or previously existing human child or adult into an oocyte from which the nucleus has been removed.

This language could allow (if one does not consider an embryo an existing human child) the use of this technology to treat infertility due to mitochondrial defects. Perhaps a small point of semantics, but does “transferring the nucleus of a somatic cell” include the fusion of a somatic cell with an oocyte? This is how Dolly was created. Perhaps could clarify by adding “or fusion of a somatic cell with an oocyte from which the nucleus...”

SEC. 5. Prohibition.

It shall be unlawful for any person or other legal entity, public or private, to implant or attempt to implant the product of somatic cell nuclear transfer into a woman’s uterus.

This prohibition clearly states the scientific intent of the legislation, and avoids the question of when life begins or what “creating a human being” really means. It also clearly prohibits an act or an attempt at action, which is easy to assess, rather than an “intent” to act. This would protect researchers and others from being second-guessed about their intentions. This would allow the private sector to use somatic cell nuclear transfer technology to develop therapeutic cell lines for the treatment of many disorders via tissue transplantation. If the definition of somatic cell is interpreted as a differentiated diploid cell, and if “existing human child” is not interpreted to include an embryo, this would also allow the use of this technology to treat infertility due to mitochondrial diseases. One possible concern is that this would not prohibit attempts to implant such a product to an animal’s uterus.

SEC. 6. Protected Biomedical Research.

Nothing in this Act shall be construed to restrict areas of biomedical and agricultural research or

practice not expressly prohibited in this Act, including research or practices that involve—

(1) the use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or

(2) the use of somatic cell nuclear transfer techniques to create animals.

The inclusion of the phrase “or practices” protects activities such as animal husbandry or IVF that may not be considered research. Allowing the use of this technology “to clone molecules, DNA, cells, and tissues” would allow the private sector to pursue this technology to develop therapeutic tissues as mentioned above. Allowing the use of this technology to create animals will allow the continuation of a thriving research base in animal husbandry and transgenic animals for the production of therapeutic products and animal models. However, as mentioned previously, one could argue that a human being is an animal.

SEC. 7. Penalties.

(a) In General—Any person who intentionally violates the provision of section 5 shall be fined the greater of \$250,000 or 2 times the gross pecuniary gain or loss resulting from the violation.

(b) Civil Actions—If a person is violating or about to violate the provisions of section 5, the Attorney General may commence a civil action in an appropriate Federal district court to enjoin such violation.

(c) Forfeiture—any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of section 5, or any property traceable to such property, shall be subject to forfeiture to the United States in accordance with the procedures set forth in chapter 46 of title 18, U.S. Code.

(D) Authority—The Attorney General shall have exclusive, nondelegable enforcement authority under this Act.

(E) Advisory Opinions—The Attorney General shall, upon request, render binding advisory opinions regarding the scope, applicability, interpretation, and enforcement of this Act with regard to specific research projects or practices.

This section uses phrases such as “attempted violation.” The prohibition already includes the attempt to implant the product to a uterus. Would this then allow civil actions or forfeitures of “attempts at attempts” and would this lead to the difficult question of intentions on a researcher’s part?

SEC. 8. Cooperation with Foreign Countries.

It is the sense of Congress that the President should cooperate with foreign countries to enforce mutually supported restrictions on the activities prohibited under section 5.

SEC. 9. National Bioethics Advisory Commission Report.

Not later than 4 ½ years after the date of enactment of this Act, the National Bioethics Advisory Commission shall prepare and submit to the President a report concerning—

(1) the state of the science of somatic cell nuclear transfer;

(2) the ethical and social issues associated with the potential use of this technology in

humans; and

(3) the advisability of continuing the prohibition established in the Act.

The Commission is authorized to continue for the 10-year period described in section 12 to prepare such a report and for other purposes as established in Executive order 122975 and subsequent amendments to such Order.

Suggest adding provisions for additional review by NBAC after the initial report, particularly since the first report may still find insufficient scientific evidence of safety. Language could state "Not later than 4 ½ years after the date of enactment of this Act, and at intervals after that as necessary..." Perhaps could broaden the nature of the report to include the state of the science of cell and tissue therapies to further investigate the potential for this technology. "Executive order 122975" may include a typo—NBAC's Website states the EO number as 12975.

SEC. 10. Right of Action.

Nothing in this Act shall be construed to give any individual or person a private right of action.

SEC. 11. Preemption of State Law.

The provisions of this Act shall preempt any state law which prohibits or limits research or practices regarding somatic cell nuclear transfer, human cloning, cloning of molecules, DNA, cells, or tissues, the use of somatic cell nuclear transfer techniques to develop animals, or related research.

This would prohibit poorly written State laws from prohibiting the cloning of DNA, cells or tissues (as a recent Florida bill would have done) or from prohibiting the private sector from investigating this technology for the development of therapeutic tissues or cells.

SEC. 12. Effective Date.

This Act shall be effective for the 10 year period beginning on the date of enactment of this Act. The prohibitions contained in this Act shall terminate at the expiration of such 10-year period.

COMPARISON OF PROPOSED CLONING LEGISLATION

Bill Number	(White House)	(Feinstein)	HR 922	HR 923	S 368	S 1574
Title	Cloning Prohibition Act of 1997	Prohibition on Cloning of Human Beings Act of 1998	Human Cloning Research Prohibition Act	Human Cloning Prohibition Act	Human Cloning Prohibition Act of 1998	Human Cloning Prohibition Act
Sponsor	William Clinton (Not yet sponsored)	Dianne Feinstein (D-CA)	Vernon Ehlers (R-MI)	Vernon Ehlers (R-MI)	Christopher (Kit) Bond (R-MO)	Ben Nighthorse Campbell (R-CO)
Findings	NBAC Report	NBAC Report	none	none	none	Congress finds that the Federal Govt has a moral obligation to the nation to prohibit the cloning of humans.
Purposes	To prohibit any attempt to create a human being using somatic cell nuclear transfer cloning; and to provide for further review of the ethical and scientific issues associated with its use.	To prohibit any attempt to create a human being using somatic cell nuclear transfer cloning; and to provide for further review of the ethical and scientific issues associated with its use.	To prohibit the obligation or expenditure of Federal funds to conduct or support any project of research that includes the use of a human somatic cell nuclear transfer technology to produce an embryo.	To prohibit the cloning of humans.	To prohibit any attempt to create an embryo using human somatic cell nuclear transfer, protect research	To prohibit the cloning of humans.
Definitions	Cloning ⁱ ; Somatic cell ⁱⁱ ; Somatic cell nuclear transfer ⁱⁱⁱ	Cloning ^{iv} , Nucleus ^v , Oocyte ^{vi} , Somatic cell ^{vii} , Somatic cell nuclear transfer ^{viii}	Human somatic cell nuclear transfer ^{ix} , Somatic cell ^x	none	Embryo ^{xi} , Human somatic cell nuclear transfer ^{xii} , Oocyte ^{xiii} , Somatic cell ^{xiv}	Clone & Cloning ^{xv}
Prohibitions	Unlawful for any public or private individual or entity to perform or use somatic cell nuclear transfer with the	Unlawful for any person or other legal entity, public or private, to implant or attempt to implant the product of somatic cell	Prohibition against obligation or expenditure of Federal funds to conduct or support any project of research that includes the use of	Prohibition against the use of a human somatic cell for the process of producing	Unlawful for any person or entity, public or private, to knowingly use human somatic cell	Unlawful for any person to clone a human being or conduct research for the purpose of cloning a

Bill Number	(White House)	(Feinstein)	HR 922	HR 923	S 368	S 1574
	intent of introducing the product into a woman's womb or in any other way creating a human being.	nuclear transfer into a woman's uterus.	a human somatic cell nuclear transfer technology to produce an embryo.	a human clone.	nuclear transfer to produce an embryo or to knowingly purchase or sell an ovum, embryo, or fetus for that purpose, or obligate or expend Federal funds on research that includes that purpose.	human being or otherwise creating a human embryo; no Federal funds may be obligated or expended to knowingly conduct or support any project of research for the above purposes.
Protected Research	The use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or the use of somatic cell nuclear transfer techniques to create animals.	The use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or the use of somatic cell nuclear transfer techniques to create animals.	The use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, other than human embryo cells, or tissues; or the use of somatic cell nuclear transfer techniques to create animals other than humans.	none	The use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, other than human embryo cells, or tissues; or the use of somatic cell nuclear transfer techniques to create animals other than humans.	none
Preemption of State Laws	none	Preempt any state law which prohibits or limits research or practices regarding somatic cell nuclear transfer, human cloning, cloning of molecules, DNA, cells, or tissues, the use of somatic cell nuclear transfer techniques to develop animals, or related research.	none	none	none	none

Bill Number	(White House)	(Feinstein)	HR 922	HR 923	S 368	S 1574
Penalties Specified	Fines (the greater of \$250,00 or 2X gross gain or loss), Civil Action by the AG, forfeiture of property derived from or used to commit act.	Fines (the greater of \$250,00 or 2X gross gain or loss), Civil Action by the AG, forfeiture of property derived from or used to commit act.	none	Civil money penalty not to exceed \$5,000.	Fines, up to 5 years in prison, forfeiture of property from or used to commit violation.	Civil money penalty not to exceed \$5,000 for each violation; ineligibility for Federal funds for 5 years after violation.
Effective Date	Date of Enactment--Applies to acts performed within 5 years after that date.	Act is effective for the 10 year period after the its enactment and will terminate at the expiration of 10 years.	none mentioned	none mentioned	none mentioned	none mentioned
Provisions for Review	Review by NBAC 4 ½ years after enactment, on the state of the science of somatic cell nuclear transfer, the ethical and social issues associated with the potential use of this technology in humans, and advisability of continuing the prohibition established in the Act.	Review by NBAC 4 ½ years after enactment, on the state of the science of somatic cell nuclear transfer, the ethical and social issues associated with the potential use of this technology in humans, and advisability of continuing the prohibition established in the Act.	Review by NRC in agreement with the Director of NSF, not later than 5 years after the date of enactment, on the impact that the implementation of the Act has had on research and recommendations for any appropriate changes to the Act.	none	Review by Directors of NSF and NIH in agreement with NRC, not later than 5 years after enactment, on the impact that the implementation of the Act has had on research and recommendations for any appropriate changes to the Act.	None
Status	Legislative package was transmitted to Congress on June 9, 1997.		The bill was introduced on March 5, 1997, and jointly referred to the House Committees on Commerce, and Science. Hearings on substitution held July 22, 1997. Marked-up and passed out of the House Science Committee July	The bill was introduced on March 5, 1997, and jointly referred to the House Committees on Commerce, and Science.		The bill was introduced on January 27, 1998 and referred to the Senate Committee on Labor and Human Resources.

Bill Number	(White House)	(Feinstein)	HR 922	HR 923	S 368	S 1574
			29, 1997.			

PREPARED BY OSP

- i. Cloning--the production of a precise genetic copy of a molecule (including DNA), cell, tissue, plant, animal or human.
- ii. Somatic cell--any cell of the body other than germ cells (eggs or sperm.)
- iii. Somatic cell nuclear transfer--the transfer of a cell nucleus from a somatic cell into an egg from which the nucleus has been removed.
- iv. Cloning--the production of a precise genetic copy of a molecule (including DNA), cell, tissue, plant, animal or human.
- v. Nucleus--the cell structure that houses the chromosomes, and thus the genes.
- vi. Oocyte--the female germ cell, the egg.
- vii. Somatic cell--a mature, diploid cell.
- viii. Somatic cell nuclear transfer--transferring the nucleus of a somatic cell of an existing or previously existing human child or adult into an oocyte from which the nucleus has been removed.
- ix. Human somatic cell nuclear transfer-- transferring the nucleus of a human somatic cell into an oocyte from which the nucleus has been removed or rendered inert.
- x. Somatic cell--a cell of an embryo, fetus, child, or adult which is not and will not become a sperm or egg cell.
- xi. Embryo--The developing organism from the time of fertilization, or from the time of the single cell stage at the inception of growth and development of an organism, until significant differentiation has occurred.
- xii. Human somatic cell nuclear transfer--transferring the nucleus of a human somatic cell into an oocyte from which the nucleus has been removed or rendered inert.
- xiii. Oocyte--the mature female germ cell, the egg.

xiv.Somatic cell–any cell of an embryo, fetus, child, or adult that is not a germ cell or is not destined to become a germ cell.

xv.Clone & Cloning–the practice of creating or attempting to create a human being by transferring the nucleus from a human cell from whatever source into a human cell from which the nucleus has been removed for the purpose of, or to implant, the resulting product to initiate a pregnancy that could result in the birth of a human being.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 15:17:42.00

SUBJECT: Re: New Post

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

TEXT:
congratulations -- that's wonderful.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1998 15:55:26.00

SUBJECT: Re: Tobacco Budget and Q&A.

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

READ:UNKNOWN

TEXT:

That sounds perfect, except that I wouldn't undersell the extent to which we are providing specifics; I'm finding that our budget proposal helps us to answer the Republican attack that we're failing to show leadership. On the issue of size, you're of course right that we will not object if Congress sees fit to enact larger taxes, payments, or penalties. And if asked about allocation of these surplus funds, we should just talk about working closely with Congress and the states to allocate these funds in a way that benefits our children and the public health.

From: Jacob J. Lew on 02/02/98 12:36:27 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

CC:

Subject: Re: Tobacco Budget and Q&A.

I have been trying to leave the impression that the budget does not address in detail the scope of tobacco legislation. I have also been saying that it does not address the question of liability or what to do with any revenue that may exceed the \$65 billion. In that sense I may have suggested it as a floor. I agree with the characterization of our number as representing the amount necessary to address youth smoking, and thought I had said that as well. What do you think we should say in response to questions about potentially larger revenue streams?

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 4-FEB-1998 07:41:37.00

SUBJECT: RECEIVED: LABOR Report on H.R. 2864, the Occupational Safety and Health Administration Compliance Assistance Au

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

LABOR Report on H.R. 2864, the Occupational Safety and Health Administration Compliance Assistance Authorization Act of
was successfully received by:

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

at:

02/04/98 07:37:19 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1998 17:41:27.00

SUBJECT: NEC Deputies Meeting

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/06/98 05:41
PM -----

Phyllis Kaiser-Dark
02/06/98 02:31:20 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Sandra L. Via/OMB/EOP, June G. Turner/WHO/EOP, Kristen E.
Panerali/OPD/EOP, Sara M. Latham/WHO/EOP
Subject: NEC Deputies Meeting

Sally Katzen has offically begun her duties as Deputy Director of the NEC today. She would like to have a one hour meeting with other NEC deputies as a meet/greet, review process, review agenda(s) totally unstructured meeting. We have reserved room 180, on Tuesday, February 10 at 5:00pm.

Please respond by e-mail or phone (395-4852) to provide your clearance information.

Message Sent

To: _____
summers @ 6221800@fax
KHiggins @ 2197659@fax
mallett @ 5011262@fax
lane @ 5011262@fax
MDowney @ 3663937@fax
FHansen @ 4013764@fax
MSmith @ 4013095@fax
EMoler @ 5866828@fax
DRobinson @ 7082706@fax
SEizenstat @ 6479763@fax
KThurm @ 6907755@fax
Frankel @ 3956958@fax
Frank @ 3956958@fax
fisher_richard @ ustr.gov@INET@LNGTWY
Jacob J. Lew/OMB/EOP
Sylvia M. Mathews/WHO/EOP
John Podesta/WHO/EOP
Daniel K. Tarullo/OPD/EOP
Shelley N. Fidler/CEQ/EOP
Elena Kagan/OPD/EOP
Jeffrey A. Frankel/CEA/EOP
Alvarez @ 2056802@fax
lang @ 3954549@fax
Jsteinberg @ 4569490@fax

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1998 10:02:55.00

SUBJECT: Re: Tobacco Events Next Week

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

READ:UNKNOWN

TEXT:

I think Bruce's current thinking is that the President should do this.
But we're working hard to think up something for the VP to do as a lead-in.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1998 10:05:12.00

SUBJECT: WHITE HOUSE NOTEBOOK: WHITE HOUSE PARTYING INTO WEE HOURS

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/06/98 10:05
AM -----

Neera Tanden

02/06/98 09:40:27 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: WHITE HOUSE NOTEBOOK: WHITE HOUSE PARTYING INTO WEE HOURS

Fyi - you just need to read the bottom paragraph.

----- Forwarded by Neera Tanden/WHO/EOP on 02/06/98 09:41
AM -----

TANDEN_N @ A1

02/06/98 09:27:00 AM

Record Type: Record

To: Neera Tanden

cc:

Subject: WHITE HOUSE NOTEBOOK: WHITE HOUSE PARTYING INTO WEE HOURS

Date: 02/06/98 Time: 08:42

CWHITE HOUSE NOTEBOOK: White House partying into wee hours

WASHINGTON (AP) How do the world's most powerful baby boomers party? Put a tent atop the White House, invite Elton John and Stevie Wonder, and dance until morning.

Like kids at a high-school prom, John, President Clinton, first lady Hillary Rodham Clinton and Tipper Gore rocked the Grand Foyer Thursday night, dancing in a circle to Motown tunes and singing at each other.

The guests of honor at the hot-ticket White House dinner Britain's prime minister, Tony Blair and his wife, Cherie ducked out just after midnight, but not before a lively concert by John and Wonder.

Under a tent set up on the West Colonnade roof, Wonder had his VIP audience ``la, la, la-ing'' along with his songs like professionals by the end of his half-hour set. Unsatisfied by their weak first try, Wonder teased, ``You're like a library meeting or something. Helloooo.''

As the clock tipped over into morning, Clinton warned that he and Mrs. Clinton were ready to keep on partying. ``You can stay if you don't feel you need to go home,'' he said. ``But you do have to get up and work in the morning. No dispensation.''

By the last dance, actor James Brolin was wearing fiancée Barbra Streisand's wine-colored velvet stole. The Clintons headed upstairs around 1:00 a.m.

=

This year's black-tie British invasion was entirely benevolent, though Clinton reminded his guests that in 1814 ``marauding English soldiers gave new meaning to the term `global warming' when they torched the White House.''

Toasting Blair before their dinner of grilled salmon, Clinton added, ``But, Mr. Prime Minister, we are a forgiving people.''

Blair sarcastically returned in his own toast that the British have ``come a long way We're getting the hang of your language.''

From the leaders' joking exchange, to the knowing laughs and whispers between the two first ladies, the close personal friendship between the Blairs and the Clintons was obvious.

Mrs. Clinton and Mrs. Blair even unwittingly dressed in gowns exactly the same muted shade of gold. ``We just think alike!'' Mrs. Clinton exclaimed..

=

With dinner guests like Streisand, Tom Hanks, Harrison Ford, Carol Channing, Mir space station veteran Colin Michael Foale, and Steven Spielberg wandering the White House halls, even the upright Secret Service was star-struck.

In one corridor, a Secret Service agent sheepishly asked Ford for an autograph, then crept behind a pillar furtively to snap the actor's photo.

John F. Kennedy Jr. and his wife, Carolyn Bessette, hardly lost their heads among the famous and powerful. In the receiving line, Kennedy bowed as he took the first ladies' hands and Bessette remembered to remove her long evening gloves before shaking the president's hand.

Secretary of State Madeleine Albright arrived on the arm of diamond merchant Maurice Tempelman, longtime companion to the late Jacqueline Kennedy Onassis, and one White House aide said it was a second date for the couple.

=

For all the glamour and good etiquette, there was murmuring about the sexual misconduct allegations against Clinton.

``We elected him president, not pope,''' Streisand said to reporters who surrounded her.

``I wish the people who do these illegal leaks and the media who exploit them would show respect for the right to privacy and presumption of innocence,''' she said. ``After that, it's no one's business what goes on behind closed doors.''

``I just came to have a nice time,''' said Attorney General Janet Reno, who authorized the independent counsel's probe of Clinton's alleged affair with an intern.

Mrs. Clinton deftly headed off any sparks from Sen. Jesse Helms, the North Carolina Republican whom she fingered as part of the ``right-wing conspiracy'' behind Whitewater prosecutor Kenneth Starr's investigation. Before Helms could speak a word to the first lady, she put out her hand and thanked him for sponsoring a child care bill and then turned him over to Mrs. Blair.

APNP-02-06-98 0852EST