

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 005 - FOLDER 002

[2/6/1998 - 2/24/1998]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Bruce Reed. Subject: Re: Ellen Lovell and non-profits. (1 page)	02/10/1998	P6/b(6)
002. email	Elena Kagan to Laura Emmett. Subject Request for Mtg. (1 page)	02/17/1998	P6/b(6)
003. email	Phone No. (Partial) (1 page)	02/23/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[02/06/1998 - 02/24/1998]

2009-1006-F

wr5i

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1998 10:01:58.00

SUBJECT: Re: Out-of-Wedlock

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

READ:UNKNOWN

TEXT:

I have, and didn't get far. He is very reluctant to change the legislative terminology in a way that could be taken to indicate greater acceptance of extra-marital births. I tried pretty hard and just couldn't move him. But it's perfectly possible that you or Gene could.

February 6, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Larry Stein
Elena Kagan

SUBJECT: Tobacco Legislative Strategy

We have met in recent weeks with Erskine, OVP, HHS, OMB, NEC and Counsel's Office to review our legislative strategy on tobacco. This memo lays out a consensus approach. In brief, we will use the next six weeks to lay the groundwork for a possible summit by (1) attacking Republican plans to enact piecemeal legislation; (2) praising comprehensive bills that meet your principles, particularly Senator Conrad's; and (3) holding meetings with the Democratic Caucus and quiet conversations (led by Erskine) with key Republicans in both the House and Senate. At the end of this time, we will evaluate whether to call a bipartisan summit to negotiate comprehensive tobacco legislation.

Background

As you know, prospects for passing comprehensive tobacco legislation this year are uncertain. The major obstacles are (1) the complexity and scope of such legislation and the sheer number of egos and committees involved, and (2) the special difficulty of reaching agreement on liability limits, which many Members see as necessary, but few will vocally support.

Republicans appear to be divided into three camps. Some Republicans, especially in the Senate (e.g., Hatch, McCain, Hyde, and probably Lott), want to pass comprehensive legislation modeled on the June 20 settlement. Others (e.g., Gingrich, Kasich) are leaning toward a simple excise tax increase, with the proceeds funding an income tax cut. Still a third -- and growing -- group (e.g., Nickles, Armev, Delay) supports a bill without any significant price increase, ostensibly aimed at youth smoking (through provisions on access, marketing, etc.), but unlikely to accomplish any of your objectives. The difficulty of the liability issue cuts against the first group and plays into the hands of the second and third. In particular, the proponents of a money-free bill hope that by allying themselves with liberal Democrats on liability limits, they can effectively curtail tobacco legislation.

Many, if not most, Democrats will coalesce around a bill that Sen. Conrad intends to introduce within the next week. (Rep. Fazio will probably introduce a companion bill in the House.) This bill will meet your five principles for tobacco legislation. It will have a large price increase (though the allocation of the proceeds is only partly consistent with our budget); a strong

section on FDA jurisdiction; good marketing and access provisions, etc. It will not include any liability limits (except that it will allow states to settle their tobacco suits for a share of the money). The Democrats most likely not to sign on to this bill will be those from tobacco states.

So far, no bipartisan bill has emerged in either chamber. Senators Harkin and Chafee are working on a comprehensive bill with some liability limits, but they still have much work to do; in addition, it is questionable whether these two Senators (whatever the merits of their bill) can attract significant support. Reps. Bliley and Waxman have had some discussions about a comprehensive bill, but the two remain very far apart on many critical issues.

Recommendation

Our recommended strategy is to use the next six weeks to place pressure on Republicans to negotiate on a comprehensive bill, while conveying to them the genuineness of our desire to enact such legislation. At the end of six weeks, if the legislative process remains bogged down, we will call Republican and Democratic leaders to a budget-like summit process.

1. Attack Republican plans to enact piecemeal legislation. We will enlist other Democrats and the public health community in strenuously opposing Republican plans to enact piecemeal legislation. Through events, statements, and testimony, we will demonstrate the need for comprehensive legislation -- involving, most notably, substantial price increases -- to reduce youth smoking. We will make the case that the proposed Republican approach of enacting a "youth" bill without substantial price increases has no hope of achieving our objectives. In our first salvos on this subject next week, the Vice President may take part in an event with Koop and Kessler, and you can announce new estimates of the effect of comprehensive legislation on youth smoking.

2. Support comprehensive legislation, especially Sen. Conrad's bill. We expect Sen. Conrad to introduce his bill next week, and we believe you should greet it warmly. You should make the point that it is a comprehensive bill consistent with each of your five principles. At the same time, you should stress the importance of bipartisanship on this issue and encourage others to come forward with comprehensive legislation. This invitation should ensure that your support for Conrad's bill does not polarize the issue along partisan lines. If additional comprehensive bills meeting your principles emerge -- especially of a bipartisan nature -- you should express support for them as well.

3. Talk to Democratic caucuses and key Republicans. Erskine, Donna, Larry, and Bruce will talk to the Democratic Caucus in both the House and the Senate to assure them that we will insist on tough legislation -- that we will not compromise too much or too early. At the same time, Erskine will begin quiet conversations with key Republicans to persuade them that we are serious about enacting legislation -- that we do not intend to use tobacco as a political issue.

4. Keep liability limits on the table, without supporting them. To maintain our ability to

work out a compromise, we will try to keep liability limits on the table, without ourselves supporting them. Our consistent line -- we have used it for the last six months -- is that (1) we would prefer a comprehensive bill without any liability limits, but that (2) if we get everything we want -- if we get a comprehensive bill that satisfies each of the President's five principles -- then reasonable limits on liability "would not be a dealbreaker."

Justice Department testimony to this effect caused consternation among some Democrats this week; they argued that we should not yet (or, perhaps, ever) indicate a willingness to compromise on this issue. We disagree; we think that in order to preserve our ability to craft a comprehensive bill that can pass the Congress, we must prevent liberal Democrats and conservative Republicans from joining to make liability limits unacceptable. In the main, however, we will try not to talk about the liability issue. We will make the point that it is a sideshow and that the real battle is between comprehensive and piecemeal legislation.

5. Call a summit, if still appropriate. We believe that we may well have to call a budget-like summit to enact comprehensive tobacco legislation. A summit will remove complications arising from multiple committee jurisdiction and provide cover for all parties on difficult issues like liability. The steps described above will lay the groundwork for a summit, by placing intense pressure on the Republicans to agree to comprehensive tobacco legislation, while convincing them that we will not play politics with the issue. It is of course possible that no summit will be necessary -- that these steps will get the legislative process rolling without any special intervention. We will continually reassess this issue, but place ourselves in position to hold a summit in about six weeks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1998 17:41:09.00

SUBJECT: NEC Deputies Meeting

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

READ:UNKNOWN

TEXT:

gee -- upstaged already

----- Forwarded by Elena Kagan/OPD/EOP on 02/06/98 05:40
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 READ RECEIPT)

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

CREATION DATE/TIME: 9-FEB-1998 20:44:26.00

SUBJECT: RECEIVED: Tabacco Liability Testimony

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

TEXT:
RETURN RECEIPT

Your Document:
Tabacco Liability Testimony
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
02/09/98 08:42:33 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-FEB-1998 08:19:47.00

SUBJECT: Please Join us

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

READ:UNKNOWN

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 02/09/98 08:19 AM -----

Jason S. Goldberg

02/07/98 03:12:05 PM

Record Type: Record

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

cc:

Subject: Please Join us

Please join Erskine B. Bowles, Sylvia Mathews, John Podesta, and the Chief of Staff's Office as we bid farewell and thank you to Victoria Radd.

DATE: Tuesday, February 10, 1998
TIME: 6:30 p.m.
WHERE: The Chief of Staff's Office

Message Sent

To:

Kevin S. Moran/WHO/EOP
Elizabeth R. Newman/WHO/EOP
Debra A. Schiff/WHO/EOP
Betty W. Currie/WHO/EOP
Russell W. Horwitz/OPD/EOP
Peter O'Keefe/WHO/EOP
LEAVY_D @ A1 @ CD @ LNGTWY
Kay Casstevens/OVP @ OVP
Michael W. Williams/WHO/EOP
Eli G. Attie/OVP @ OVP
Virginia M. Terzano/OVP @ OVP
Nicholas R. Baldick/WHO/EOP
Janet L. Yellen/CEA/EOP
Kathleen A. McGinty/CEQ/EOP
Shelley N. Fidler/CEQ/EOP
Jonathan A. Kaplan/OPD/EOP
Nelson W. Cunningham/WHO/EOP
Steven J. Ronnel/WHO/EOP
Mary Morrison/WHO/EOP
Katherine Hubbard/WHO/EOP
David S. Beaubaire/WHO/EOP

Karin Kullman/WHO/EOP
ELKON_N @ A1 @ CD @ LNGTWY
Charles W. Burson/OVP @ OVP
Susan M. Liss/OVP @ OVP
Jacob J. Lew/OMB/EOP
Sally Katzen/OMB/EOP
novick_robert @ ustr.gov @ INET @ LNGTWY
leamond_nancy @ ustr.gov @ INET @ LNGTWY
ziegler_jay @ ustr.gov @ INET @ LNGTWY
Carole A. Parmelee/WHO/EOP
Jason S. Goldberg/WHO/EOP
Demond T. Martin/WHO/EOP
Dawn L. Smalls/WHO/EOP
Sara M. Latham/WHO/EOP
Beverly J. Barnes/WHO/EOP
Andrew J. Mayock/WHO/EOP
June G. Turner/WHO/EOP
Laura S. Marcus/WHO/EOP
Terri J. Tingen/WHO/EOP
Michelle Crisci/WHO/EOP
Peter Rundlet/WHO/EOP
Nelson Reyneri/WHO/EOP
Virginia Apuzzo/WHO/EOP
Paul E. Begala/WHO/EOP
Sidney Blumenthal/WHO/EOP
Maria Echaveste/WHO/EOP
John H. Gibbons/OSTP/EOP
Mickey Ibarra/WHO/EOP
Ron Klain/OVP @ OVP
Ann F. Lewis/WHO/EOP
Bruce R. Lindsey/WHO/EOP
Thurgood Marshall Jr/WHO/EOP
Michael D. McCurry/WHO/EOP
Sylvia M. Mathews/WHO/EOP
Bob J. Nash/WHO/EOP
Bruce N. Reed/OPD/EOP
Craig T. Smith/WHO/EOP
Douglas B. Sosnik/WHO/EOP
Gene B. Sperling/OPD/EOP
Todd Stern/WHO/EOP
Stephanie S. Streett/WHO/EOP
Daniel K. Tarullo/OPD/EOP
Michael Waldman/WHO/EOP
Emily Bromberg/WHO/EOP
Phillip Caplan/WHO/EOP
Lynn G. Cutler/WHO/EOP
Fred DuVal/WHO/EOP
Nancy V. Hernreich/WHO/EOP
Robert B. Johnson/WHO/EOP
Elena Kagan/OPD/EOP
KERRICK_D @ A1 @ CD @ LNGTWY
Joseph P. Lockhart/WHO/EOP
Ellen M. Lovell/WHO/EOP
Capricia P. Marshall/WHO/EOP
Doris O. Matsui/WHO/EOP
Cheryl D. Mills/WHO/EOP
Minyon Moore/WHO/EOP
Janet Murguia/WHO/EOP
Marsha Scott/WHO/EOP
Stephen B. Silverman/WHO/EOP
Karen E. Skelton/WHO/EOP
Stacie Spector/WHO/EOP
Barry J. Toiv/WHO/EOP

Karen Tramontano/WHO/EOP
Lanny A. Breuer/WHO/EOP
Meredith E. Cabe/WHO/EOP
Virginia R. Canter/WHO/EOP
Dawn M. Chirwa/WHO/EOP
Adam W. Goldberg/WHO/EOP
William P. Marshall/WHO/EOP
Sally P. Paxton/WHO/EOP
Robert N. Weiner/WHO/EOP
Jonathan R. Yarowsky/WHO/EOP
Kris M Balderston/WHO/EOP
BAKER_JA @ A1 @ CD @ LNGTWY
Melinda N. Bates/WHO/EOP
Robert S. Bell/OMB/EOP
BENJAMIN_D @ A1 @ CD @ LNGTWY
Antony J. Blinken/NSC/EOP
Lael Brainard/CEA/EOP
Charles H. Cole/WHO/EOP
Anne M. Edwards/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
Thomas L. Freedman/OPD/EOP
Donald Goldberg/WHO/EOP
Kirk T. Hanlin/WHO/EOP
Jennifer L. Klein/OPD/EOP
Robert D. Kyle/OPD/EOP
VINCA S (Pager) #LAFLEUR
Sean P. Maloney/WHO/EOP
Linda L. Moore/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Jake Siewert/OPD/EOP
Richard Socarides/WHO/EOP
Jordan Tamagni/WHO/EOP
Tracey E. Thornton/WHO/EOP
Dominique L. Cano/WHO/EOP
Eleanor S. Parker/WHO/EOP
Ruby Shamir/WHO/EOP
Michelle Crisci/WHO/EOP
Virginia N. Rustique/WHO/EOP
Suzanne Dale/WHO/EOP
Scott R. Hynes/OVP @ OVP
Melissa M. Murray/WHO/EOP
Elisabeth Steele/WHO/EOP
June G. Turner/WHO/EOP
Lori L. Anderson/WHO/EOP
Ana M. Duque/WHO/EOP
Laura K. Demeo/WHO/EOP
Ora Theard/WHO/EOP
Edward F. Hughes/WHO/EOP
Terri J. Tingen/WHO/EOP
Peter A. Weissman/OPD/EOP
Russell W. Horwitz/OPD/EOP
Mary Morrison/WHO/EOP
Karin Kullman/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Kristen E. Panerali/OPD/EOP
Katharine Button/WHO/EOP
Paul A. Tuchmann/WHO/EOP
Melissa J. Prober/WHO/EOP
Angelique Pirozzi/WHO/EOP
Katherine Hubbard/WHO/EOP
Carolyn E. Cleveland/WHO/EOP
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Ron Klain/OVP @ OVP
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Karen C. Fahle/WHO/EOP
Rajiv Y. Mody/WHO/EOP
Jonathan E. Smith/WHO/EOP
Eli G. Attie/OVP @ OVP
Virginia M. Terzano/OVP @ OVP
Cathy R. Mays/OPD/EOP
Elena Kagan/OPD/EOP
Laura Emmett/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1998 15:43:01.00

SUBJECT: Re: needles

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

READ:UNKNOWN

TEXT:
just what I was thinking.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1998 20:16:24.00

SUBJECT: Re: Ellen Lovell and non-profits

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

READ:UNKNOWN

TEXT:

good.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1998 20:17:08.00

SUBJECT: Re: Sched Proposal - Disability EO

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

TEXT:

yes.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:10-FEB-1998 16:59:08.00

SUBJECT: RECEIVED: Incoming LRM AMB 271 - Justice Testimony on Attorney General and Tobacc

TO: Anna M. Briatico (CN=Anna M. Briatico/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Incoming LRM AMB 271 - Justice Testimony on Attorney General and Tobacco Industry Report o
was successfully received by:

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

at:

02/10/98 04:53:58 PM

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Bruce Reed. Subject: Re: Ellen Lovell and non-profits. (1 page)	02/10/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[02/06/1998 - 02/24/1998]]

2009-1006-F
wr51

RESTRICTION CODES

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

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

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

RR. Document will be reviewed upon request.

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

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1998 17:40:07.00

SUBJECT: Re: Education at the governors

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

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

TEXT:

the ed flex--report cards--failing schools message sounds good to me.
on tests: weren't we going to do engler?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1998 13:20:02.00

SUBJECT: Re: Andy Fois announced he is leaving Justice in 3-4 weeks to join a private law

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

READ:UNKNOWN

TEXT:

that is a great shame.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1998 16:46:49.00

SUBJECT: Report on meeting with states on high performance bonus

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/11/98 04:47
PM -----

Diana Fortuna

02/11/98 04:09:27 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Cynthia A. Rice/OPD/EOP, Andrea Kane/OPD/EOP

Subject: Report on meeting with states on high performance bonus

FYI, I sat in on HHS's meeting with state groups, chaired by Howard Rolston, to unveil the high performance bonus guidance. It went pretty well. Howard stuck pretty closely to what we would have wanted him to say. The states had no strong reaction, but definitely seemed to view it as being credible and reasonable. Howard made it clear that we've made up our minds on the specific measures and the distribution of the pot, so we don't want them to re-litigate that.

One problem was that we asked them to give us their comments quickly (next Tuesday) and they balked at that. They complained that we've taken months on this, that comments on the big TANF reg are due next Wednesday, and that NGA has its big meeting coming up. They said maybe they'd have a read by Thursday. We pushed them, but it wasn't too easy since we have no firm deadline (and I couldn't say we want it in our hip pocket for a possible presidential announcement).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1998 17:31:49.00

SUBJECT: Re: smut

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

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

TEXT:

You should get counsel's office involved. there are sure to be sticky constitutional questions.

ps -- why do we need free equipment for anyone? they're getting 675 million; surely they can spend some of that to buy screening software.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:11-FEB-1998 13:22:30.00

SUBJECT: RECEIVED: Last Call for Comments on LRM AMB 271 - Justice Testimony on Attorney General and Tobacco Industry Re

TO: Anna M. Briatico (CN=Anna M. Briatico/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:

Last Call for Comments on LRM AMB 271 - Justice Testimony on Attorney General and Tobacco Industry Report on Tobacco Set
was successfully received by:

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

at:

02/11/98 01:20:57 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1998 13:28:28.00

SUBJECT: Read Receipt: Varmus Cloning Testimony

TO: Robert J. Pellicci@EOP (Robert J. Pellicci@EOP [OMB])

READ:UNKNOWN

TEXT:

Message Creation Date was at 11-FEB-1998 13:20:00

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1998 13:21:15.00

SUBJECT: Re: Last Call for Comments on LRM AMB 271 - Justice Testimony on Attorney Genera

TO: Anna M. Briatico (CN=Anna M. Briatico/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TEXT:

what is this and why haven't i seen it?

Talking Points on the Conrad Bill

- The President wants to sign a comprehensive tobacco bill that meets his five principles -- and most important, that includes a significant price increase to reduce youth smoking.
- The Conrad bill meets each of the President's five principles. The President is proud to support it and would gladly sign it.
- By introducing this very strong bill, Sen. Conrad has taken an important step toward the enactment of comprehensive tobacco legislation. His bill adds to the momentum for comprehensive legislation, and serves as a challenge to all other Members to work toward this goal.
- Of course, the President will also support other bills that meet his principles, whether introduced by Democrats or Republicans. His Administration will work with as many Members as possible on the issues involved in comprehensive legislation.
- The President, however, will not support piecemeal tobacco legislation. In particular, he will not support a bill without the significant price increase necessary to reduce youth smoking.

Q: Is the Administration adopting the Conrad bill as its own?

- The Conrad bill is a very strong bill; we support it; and we think it deserves broad congressional support. We'll get behind any bill that meets the President's five principles. We want to work with as many Members as we can, from both sides of the aisle, to adopt comprehensive tobacco legislation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1998 16:00:05.00

SUBJECT: Re: Varmus Qs and As

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

TEXT:

I just talked to HHS and think we should defer to them. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1998 09:08:35.00

SUBJECT: Re: DOL booklet "About Welfare: Myths, Facts, Challenges, and Solutions"

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

READ:UNKNOWN

TEXT:

looks good to me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1998 12:25:17.00

SUBJECT: Re: NGA Message Meeting

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/12/98 12:25
PM -----

Emily Bromberg
02/12/98 11:38:32 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Re: NGA Message Meeting

yikes. somebody who can explain your proposed ed announcements and has some clout must attend--there is some blow back on your ideas. and--i really need to know more about the specifics. if bruce can be there even for 1/2 hour, it would be great.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:12-FEB-1998 20:24:53.00

SUBJECT: RECEIVED: Comments on LRM MDH 131 -- SSA Testimony on "Preparing for Retirement"

TO: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D53]MAIL473248249.026

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:12-FEB-1998 20:24:53.00

SUBJECT: RECEIVED: Comments on LRM MDH 131 -- SSA Testimony on "Preparing for Retirement"

TO: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D53]MAIL473248249.026

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:12-FEB-1998 11:35:33.00

SUBJECT: NGA Message Meeting

TO: 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:

see below -- mike and I will both be out. Can you go?

----- Forwarded by Elena Kagan/OPD/EOP on 02/12/98 11:35
AM -----

Emily Bromberg
02/12/98 11:31:33 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
CC:
Subject: NGA Message Meeting

you need to be at this meeting--and we should talk before. thanks. fyi,
mike cohen is out today and tomorrow
----- Forwarded by Emily Bromberg/WHO/EOP on 02/12/98
11:27 AM -----

Suzanne Dale 02/12/98 11:26:36 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: NGA Message Meeting

Please join Mickey Ibarra and Ann Lewis for a meeting to discuss message
for the National Governors' Association Winter Meeting which is rapidly
approaching: February 21 - 24, 1998.

We will convene on Friday, February 13, at 1:00pm in Mickey's office
(2FL/WW).

Invited Participants

Paul Begala
Emily Bromberg
Mike Cohen
Fred DuVal
Pat Ewing
Mickey Ibarra
Elena Kagan
Jonathan Kaplan
Ann Lewis
Thurgood Marshall, Jr.

Jennifer Palmieri
Craig Smith
Michael Waldman

Please let me know whether or not you will be able to attend or if there's anyone else you'd like to include. Thanks.

Message Sent

To:

Paul E. Begala/WHO/EOP
Emily Bromberg/WHO/EOP
Michael Cohen/OPD/EOP
Fred DuVal/WHO/EOP
Ann F. Lewis/WHO/EOP
Mickey Ibarra/WHO/EOP
Elena Kagan/OPD/EOP
Jonathan A. Kaplan/OPD/EOP
Thurgood Marshall Jr/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Craig T. Smith/WHO/EOP
Michael Waldman/WHO/EOP
Patricia M. Ewing/OVP @ OVP

Message Copied

To:

Eleanor S. Parker/WHO/EOP
Sky Gallegos/WHO/EOP
Emory L. Mayfield/WHO/EOP
Ruby Shamir/WHO/EOP
Laura Emmett/WHO/EOP
Brian A. Barreto/OPD/EOP
Elisabeth Steele/WHO/EOP
Christopher J. Lavery/WHO/EOP
Paul A. Tuchmann/WHO/EOP
Laura D. Schwartz/WHO/EOP
Jill M. Blickstein/OMB/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1998 12:25:08.00

SUBJECT: Re: NGA Message Meeting

TO: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

i'll tell him

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1998 11:29:56.00

SUBJECT: international smoking

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

TEXT:
could you do an entry for the weekly on the directive? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1998 11:28:19.00

SUBJECT: Re: Al Hunt column on Conrad bill

TO: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D58]MAIL47882524Y.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:12-FEB-1998 11:15:15.00

SUBJECT: weekly

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D68]MAIL46931524D.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:12-FEB-1998 11:33:56.00

SUBJECT: weekly

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

TEXT:

in addition to anything else you have, please do entries (as I'm sure you would anyway) on each of next week's announcements/events: children's health; quality; and race/health. Also: do we need to fill him on the Missouri situation? do you want to say anything about his upcoming meeting with the medicare commission? And did we ever get him an answer to his question on malaria? -- he's now asked about this subject twice. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:12-FEB-1998 20:24:53.00

SUBJECT: RECEIVED: Comments on LRM MDH 131 -- SSA Testimony on "Preparing for Retirement"

TO: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Comments on LRM MDH 131 -- SSA Testimony on "Preparing for Retirement" -- Due 11 AM Friday was successfully received by:

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

at:

02/12/98 08:19:45 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:12-FEB-1998 20:24:53.00

SUBJECT: RECEIVED: Comments on LRM MDH 131 -- SSA Testimony on "Preparing for Retirement"

TO: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D53]MAIL473248249.026

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:12-FEB-1998 12:27:06.00

SUBJECT: Re: weekly

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D94]MAIL402975240.026

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:12-FEB-1998 10:27:14.00

SUBJECT: Re: Tobacco Legis. and Drug Strategy

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

READ:UNKNOWN

TEXT:

ok, but run the language by us.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1998 11:35:05.00

SUBJECT: Re: NGA Message Meeting

TO: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

I'm out tomorrow too (traveling with the POTUS). We'll try to figure something out -- maybe Bruce will go himself.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:12-FEB-1998 20:24:53.00

SUBJECT: RECEIVED: Comments on LRM MDH 131 -- SSA Testimony on "Preparing for Retirement"

TO: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D53]MAIL473248249.026

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: 12-FEB-1998 11:30:33.00

SUBJECT: weekly

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

READ: UNKNOWN

TEXT:

coverdale; single-sex update; anything else?

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:12-FEB-1998 20:24:53.00

SUBJECT: RECEIVED: Comments on LRM MDH 131 -- SSA Testimony on "Preparing for Retirement"

TO: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D53]MAIL473248249.026

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:13-FEB-1998 06:49:17.00

SUBJECT: Re: FYI: Heads Up on Possible Bruce Reed Memo on Needle Exchange Programs

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D28]MAIL42435234E.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:13-FEB-1998 06:49:17.00

SUBJECT: Re: Radio Address

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D29]MAIL45435234G.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:13-FEB-1998 06:49:17.00

SUBJECT: Re: FYI: Heads Up on Possible Bruce Reed Memo on Needle Exchange Programs

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D28]MAIL42435234E.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:13-FEB-1998 06:49:17.00

SUBJECT: Re: Radio Address

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D29]MAIL45435234G.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:13-FEB-1998 06:49:17.00

SUBJECT: Re: Radio Address

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D29]MAIL45435234G.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:13-FEB-1998 06:49:17.00

SUBJECT: Re: Radio Address

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D29]MAIL45435234G.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:13-FEB-1998 06:49:17.00

SUBJECT: Re: Radio Address

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

READ:UNKNOWN

TEXT:

good change; make sure it gets made. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1998 06:49:17.00

SUBJECT: Re: FYI: Heads Up on Possible Bruce Reed Memo on Needle Exchange Programs

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D28]MAIL42435234E.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:13-FEB-1998 06:49:17.00

SUBJECT: Re: FYI: Heads Up on Possible Bruce Reed Memo on Needle Exchange Programs

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D28]MAIL42435234E.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:13-FEB-1998 06:49:17.00

SUBJECT: Re: FYI: Heads Up on Possible Bruce Reed Memo on Needle Exchange Programs

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

READ:UNKNOWN

TEXT:

funny -- i had no idea i had tasked todd to do this. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1998 06:49:17.00

SUBJECT: Re: Radio Address

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

TEXT:

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1998 06:49:17.00

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

READ:UNKNOWN

TEXT:

funny -- i had no idea i had tasked todd to do this. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-FEB-1998 10:14:53.00

SUBJECT: paper for drug strategy radio address

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

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 02/14/98 10:15 AM -----

Leanne A. Shimabukuro
02/13/98 08:51:46 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Jose Cerda III/OPD/EOP, Elena Kagan/OPD/EOP, Robert F. Housman/ONDCP/EOP, Charles A. Blanchard/ONDCP/EOP
Subject: paper for drug strategy radio address

Attached: 2-pager on announcement, Q&A, and accomplishments document.
Please let Jose' or me know if you have any questions. Thanks!

Message Sent

- To: _____
- Darby E. Stott/WHO/EOP
 - Joshua Silverman/WHO/EOP
 - Megan C. Moloney/WHO/EOP
 - Julia M. Payne/WHO/EOP
 - Christa Robinson/OPD/EOP
 - Michelle Crisci/WHO/EOP
 - Anne H. Lewis/OPD/EOP
 - Sylvia M. Mathews/WHO/EOP
 - Robin J. Bachman/WHO/EOP
 - June Shih/WHO/EOP

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D0]MAIL46047344H.026 to ASCII,
The following is a HEX DUMP:

FF575043570D0000010A02010000000205000000FE270000000200008AEA2D2194F84F4F91E769
45E3B76928A99BCBC9E01D7586282871497BC66857CC02F5F0E0993E7591EA13C596643F6D2B4E
BBDC7868EF7479857F378DACEE8EDDDC770FF86A0EAECEB21CF009CCC66ABF1C2ADFCB62F376F2
BC8B8DE0351AA9F8FE5EEBA2D25E416F0B1CD8A59FA2F9AC24C3FF794615F3E4DCBE455626BEE4
6652D6CE389082B34A6C47FF19CA3E765DD25D6A609AC8E31B4178FDF74E8A4C44310CC74AF569
298CB8DB1F5EA0495FD40291F31B71B697271B2FA4ACF728FC11B24FCCE62A0BCA389B0FC42660
E9809AB73BF429F46C2ADF5128DB78EC1852F022BD4107199F1DAAD239FB1AD46C9863EBE1887E

The 1998 National Drug Control Strategy

February 14, 1998

The National Drug Control Strategy's Five Goals

- | | |
|---------|--|
| Goal 1: | Educate and enable America's youth to reject illegal drugs as well as alcohol and tobacco. |
| Goal 2: | Increase the safety of America's citizens by substantially reducing drug-related crime and violence. |
| Goal 3: | Reduce health and social costs to the public of illegal drug use. |
| Goal 4: | Shield America's air, land, and sea frontiers from the drug threat. |
| Goal 5: | Break foreign and domestic drug sources of supply. |

Announcement: In his radio address to the nation, President Clinton released: (1) the 1998 National Drug Control Strategy, a comprehensive ten-year plan to reduce drug use and availability by half -- a historic new low. The plan is backed by a \$17 billion counter-drug budget -- the largest ever presented to Congress, with an increase of a billion dollars over last year's budget; and (2) the results of a Department of Justice study showing that Administration efforts to test and treat federal prisoners are working. The study found that prisoners who participated in the Bureau of Prisons residential testing and treatment program were 73% less likely to be re-arrested and 44% less likely to use drugs again.

Protecting America's Kids. The first goal of the Strategy is to educate and enable kids to reject drugs. Although current studies show that youth drug use rates may have started to decline, they remain unacceptably high. The Strategy gives parents the tools and support they need to teach their children that drugs are wrong, and can kill you. That is why the largest percentage increase in drug funding (15%) is for programs that target youth, including:

- \$195 Million National Youth Anti-Drug Media Campaign to make sure that when kids turn on the television, surf the "net," or listen to the radio, they learn about the dangers of drugs.
- \$50 Million for School Drug Prevention Coordinators to improve and expand the Safe and Drug-Free Schools program by hiring more than 1,000 new prevention professionals to work with schools in preventing drug use.

Shielding Our Borders. The Strategy will shut the door on drugs at the border by committing more manpower and resources to fighting drugs. The Strategy includes:

- \$163 Million for Border Patrol to hire 1,000 new Border Patrol officers and for "force multiplying" technology.
- \$54 Million for Advanced Technology for the Customs Service to deploy advanced technologies, such as X-ray systems and remote video surveillance.

- \$75.4 Million to Support Interdiction Efforts in the Andean region and Caribbean and to train Mexican counterdrug forces.

Strengthening Law Enforcement. The Strategy calls for increasing the safety of our citizens by reducing drug-related crime and violence. New initiatives include:

- \$38 Million to Crack Down on Methamphetamine and Heroin by hiring 100 new DEA agents, expanding the Administration's anti-methamphetamine initiative, and targeting heroin traffickers.

Breaking the Cycle of Drugs and Crime. The study released by the Department of Justice today confirms that the President's policy of coerced abstinence -- or testing and treating drug offenders -- is working. *The study found that of 1,866 prisoners in 30 different federal prisons, those that participated in a comprehensive drug testing and treatment program were 73% less likely to be re-arrested and 44% less likely to use drugs again in the first six months after their release.* That is why the Strategy calls for new funds to help states and local jurisdictions adopt coerced abstinence policies. It includes:

- \$85 Million to Promote Coerced Abstinence to help state and local governments implement drug testing, treatment, and graduated sanctions for drug offenders.

Closing the Treatment Gap. Drug dependence exacts an enormous cost on individuals, families, businesses, communities, and the nation. Treatment can help to end this dependence and reduce the destructive consequences of drug use. This year's strategy includes:

- A \$200 Million Increase for Substance Abuse Block Grants to help states close the treatment gap.

Enhancing Multinational Cooperation. The Strategy calls for continued U.S. leadership and assistance to strengthen the international anti-drug consensus, including:

- \$45 Million for International Programs for the Department of State to support nations involved in interdiction and counterdrug law enforcement.

1998 National Drug Strategy
Questions and Answers
February 14, 1998

1998 National Drug Strategy

Q. What is the President announcing today? What are the highlights of the new strategy?

A. In his radio address to the nation, President Clinton released the 1998 National Drug Control Strategy, a comprehensive ten-year plan to reduce drug use and availability by 50% -- to a historic new low. The ten-year plan is backed by a \$17 billion counter-drug budget, the largest ever presented to Congress, with an increase of a billion dollars over last year's budget.

Protecting Kids:

- \$195 Million National Youth Anti-Drug Media Campaign to make sure that when kids turn on the television or surf the "net," they learn about the dangers of drugs.
- \$50 Million for School Drug Prevention Coordinators to improve and expand the Safe and Drug-Free Schools program by hiring more than 1,000 new prevention professionals to work with schools in preventing drug use.

Strengthening Our Borders:

- \$163 Million for Border Patrol to hire 1,000 new Border Patrol officers and for "force multiplying" technology.
- \$54 Million for Advanced Technology for the Customs Service to deploy advanced technologies, such as X-ray systems and remote video surveillance.
- \$75.4 Million to Support Interdiction Efforts in the Andean region and Caribbean, and to train Mexican counterdrug forces.

Strengthening Law Enforcement:

- \$38 Million to Crack Down on Methamphetamine and Heroin by hiring 100 new DEA agents, expanding the Administration's anti-methamphetamine initiative, and targeting heroin traffickers.

Breaking the Cycle of Drugs and Crime:

- \$85 Million to Promote Coerced Abstinence to help state and local governments implement drug testing, treatment, and graduated sanctions for drug offenders.

Reducing the Supply of Drugs and Enhancing Multinational Cooperation:

- \$45 Million for International Programs for the Department of State to support nations involved in interdiction and counterdrug law enforcement.

Closing the Treatment Gap:

- \$200 Million Increase for Substance Abuse Block Grants to help states close the treatment gap.

Q. Doesn't your budget fall short of what is needed to implement your strategy and the corresponding performance measures?

A. No. The President's FY 99 budget supports the goals and objectives of the National Drug Control Strategy through increases in areas identified as funding priorities. The proposed FY 99 anti-drug budget is \$17.1 billion-- \$1.1 billion, or seven percent more than in FY 98. Our budget provides increases for all five goals of the Strategy, including drug treatment and prevention, domestic law enforcement, interdiction, and international programs. The budget provides the largest increase (15%) for the first goal of the national Strategy: to educate and enable our youth to reject illegal drugs as well as alcohol and tobacco.

Moreover, the budget is structured to enable the federal government to work with its State, local, foreign, and private partners in making progress towards the targets and performance measures contemplated in the Strategy and the performance measurement system. The performance measures should be viewed as goals for the nation -- not just the Federal government alone.

Q. What is the Strategy?

A. By law, the Office of National Drug Control Policy must provide the Congress with an annual report of the President's national drug control strategy and budget. There have been eight prior versions of the strategy.

Q. What are the performance measures?

A. The performance measures respond to a public call for results-oriented government. This means increased accountability and improved performance from our total drug control efforts. At the core of the performance measurement system are twelve targets that define specific results to be achieved by the *Strategy's* five goals. Over the long term, the performance measures will show the effectiveness of specific Federal, state, and local counterdrug programs.

The primary targets are a 50% reduction of drug use and availability, and at least a 25% reduction in damaging drug use consequences (e.g., crime rates associated with drug trafficking, health and social costs) over the next 10 years.

These targets were developed in consultation with federal drug-control agencies and reviewed by state and local agencies as well as drug-control experts.

Q. What makes you think you can cut drug use in half even over a ten-year period? Did you pick a ten year marker since President Clinton will no longer be in office by that time?

A. We believe that we can cut drug use in half over ten years in large part because we have already done so. From 1979 to 1996, the number of people using drugs dropped by 49 percent, and the number using cocaine dropped by 70 percent. The critical part of meeting this goal is preventing the next generation of young people from ever starting to use drugs. If we can do this, we will achieve the goal.

The ten-year marker reflects the fact that there is no quick fix to America's drug problem. Studies show that drug use patterns occur within generational cycles -- drug use falls off, and unless there is ongoing education, young people forget the dangers of drugs. The ten-year focus reflects the need for an enduring commitment. It is important to note that the performance markers include interim benchmarks -- to check on the efficacy of our efforts before the end of the ten-year period.

Prison Drug Testing/Treatment

Q. What does the Justice Department study say about the effectiveness of prison drug treatment?

A. According to a study from the Federal Bureau of Prisons (BOP), Federal inmates who participated in the BOP residential drug abuse treatment program during their incarceration were less likely to be re-arrested or to become involved in further drug use following their release. The study involved 1,866 inmates at more than 30 institutions.

Specifically, the study found that Federal inmates who completed the residential substance abuse treatment program were 73 percent less likely to be re-arrested and 44% less likely test positive for drugs in the first 6 months after release than similar inmates who did not receive this treatment.

Q. What is the residential drug abuse treatment program in the federal prison system?

A. The residential drug abuse treatment program is a comprehensive program that gives inmates up to 500 hours of treatment while in prison, and includes participation in community transitional services when the inmate is transferred to a halfway house prior to release. The treatment focuses on individual responsibility and changing future behavior. Currently, the BOP operates 42 residential treatment programs, with an annual capacity of over 6,000 participants.

Q. What has the Administration done to address the prisoner drug problem?

A. Last month, the President signed a directive to the Attorney General calling on her to take the necessary steps to:

- (1) Require states to determine the level of drug use in their prisons and report annually on their progress.
- (2) Give states the flexibility to use their federal prison funds for drug detection, offender testing, and drug treatment.
- (3) Work with states to enact stiffer penalties for drug trafficking into and within correctional facilities.

Moreover, the President's FY 99 budget will include \$197 million for a series of initiatives to promote coerced abstinence and treatment in the criminal justice system -- including \$85 million for a new drug testing and sanctions program for states and localities.

In addition, the President has taken numerous other actions to combat the problem of drug abuse by offenders involved in the criminal justice system including: doubling the number of federal arrestees drug tested in 24 judicial districts; fighting to launch a \$1 billion initiative to spread Drug Courts across the country; and expanding drug testing, intervention, and treatment in Federal prisons through his budgets and the 1994 Crime Act.

Q. Besides treatment, what are you doing about the drug problem in federal prisons?

A. Under the leadership of Attorney General Reno, the federal Bureau of Prisons is carrying out model programs in drug testing, drug treatment, and drug detection.

Drug Testing. In 1997, federal inmates were subject to 127,460 drug tests. Two percent of tests were positive, as compared to the 9 percent average for state correctional systems. Prisoners testing positive for drugs are appropriately punished and follow up tests are scheduled regularly to ensure they stay clean. Drug testing of correctional officers, and other selected employees is also an established policy in the Federal Bureau of Prisons.

Drug Detection. Innovative drug detection technology is being piloted at Bureau institutions. The Office of National Drug Control Policy is working with the Bureau to provide the states with information on the best ways to keep drugs out of prisons.

**PRESIDENT CLINTON:
FIGHTING DRUGS AND PROTECTING OUR COMMUNITIES**

A RECORD OF SUCCESS

- **Overall Drug Use is Down.** From 1979 to 1996, the number of people (12 and older) regularly using drugs in America has plummeted 49 percent, from 25.4 million to 13 million people. Similarly, the number of cocaine users has dropped 70 percent in the last decade (from 5.7 million in 1985 to 1.7 million in 1996).
- **Youth Drug Use Is Beginning to Reverse.** For the first time since 1992, illicit drug use among 12 to 17 year-olds has declined. Between 1995 and 1996, teen drug use fell from 10.9 percent to 9 percent.
- **Crack Use is Declining.** The most recent data from the Drug Use Forecasting Program show a decline in crack use by arrestees across the nation -- a good indication that the crack epidemic that began in 1987 has finally begun to abate.
- **Good News on Methamphetamine.** Meth use is down in the eight cities that had been suffering the highest increases in use: 52 percent drop in Dallas; 20 percent drop in San Jose; 19 percent in San Diego; 34 percent in Portland; and over 40 percent in Denver, Omaha and Phoenix.
- **Cocaine Production Decreasing.** In 1997, cocaine production in the Andean region, the primary cocaine producing area, decreased by as much as 100 tons from the previous year.
- **Spending on Drug Consumption is Down.** The most recent data shows the amount Americans spend buying illegal drugs is down roughly 37 percent from 1988 to 1995 -- a total decline of \$34.1 billion.
- **Drug-Related Crime in Decline.** According to the FBI, in 1992, there were 1,302 murders related to narcotics. By 1996, that number hit a low of 819.

HISTORIC AND HIGH PROFILE ANTI-DRUG STRATEGY

- *The Largest Anti-Drug Budgets Ever.* Year-in and year-out, President Clinton has proposed the largest anti-drug budgets ever. **Between 1996 and 1998, resources for drug control increased by 19 percent, from \$13.5 billion in FY 1997 to \$16 billion in FY98. The President's FY99 drug budget is \$17.1 billion, including increases of \$256 million for youth drug prevention, \$364 million for domestic law enforcement, and \$189 million for interdiction.**
- *Developed a Comprehensive National Drug Control Strategy.* For the first time ever, the *1998 Strategy* provides a ten-year plan to reduce drug use and its consequences in the United States by 50 -- to historic lows. This *Strategy* will reduce illegal drug use through law enforcement, prevention, treatment, interdiction and international efforts. This *Strategy* is backed by a five-year budget and performance benchmarks.

BUILDING HEALTHIER FUTURES FOR OUR CHILDREN AND COMMUNITIES

- **Targeting Young People with a \$195 Million National Anti-Drug Media Campaign.** The President is launching a massive national media campaign to motivate America's youth to reject illegal drugs and substance abuse. This unprecedented \$195 million paid media campaign relies on high-impact, anti-drug television and radio advertisements aired during prime-time. In June, the campaign will go nationwide.
- *Strengthening and Expanding the Safe and Drug-Free Schools and Communities Act.* President Clinton expanded the Drug-Free Schools Act into the Safe and Drug-Free Schools Act of 1994, making violence prevention a key part of this program. The Safe and Drug-Free Schools Program provides support for violence and drug

prevention programs to 97 of the nation's school districts. Schools use these funds to keep violence, drugs and alcohol away from students and out of schools.

STOPPING DRUGS FROM CROSSING OUR BORDERS

- **Put More Manpower and Resources into Fighting Drugs at the Border.** The number of Border Patrol agents guarding our Southwest Border has doubled-- from 3,389 in FY93 to 6,213 at the end of FY97. The number of Customs agents working on the Southwest Border has grown 16% from 2,000 in FY93 to 2,311 in FY97. The number of DEA, FBI, INS enforcement officers/agents and US marshals on the Southwest Border have also increased. Spending on Southwest Border counter-drug efforts has increased: Customs up 72 percent (FY93-97); FBI up 21 percent (FY93-97); DEA up 30 percent (FY93-97); INS up 96 percent (FY93-97); and US Attorneys up 45 percent (FY93-97). The FY99 budget adds to this 1,000 new Border Patrol agents, and \$54 million to Customs for advanced inspection technologies.
- *Keeping Drugs Off the Street -- Border Seizures Are Up.* The Clinton Administration has increased seizures of marijuana by 86 percent -- from 787,523 pounds in FY92 to 1,462,940 pounds in FY96. And seizures of heroin are up 32 percent -- from 1,157 kilograms in FY92 to 1,532 kilograms in FY96.

WORKING INTERNATIONALLY TO PROTECT AMERICANS AT HOME

- **Unprecedented Cooperation with Mexico to Fight Drugs.** President Clinton and President Zedillo have signed two first-ever, historic counter-drug agreements: a binational drug Threat Assessment and a binational Counter-Drug Alliance, and are developing a historic bilateral counter-drug strategy.
- **Standing Tough. Confronted with insufficient efforts to combat drugs and drug cartels, the Clinton Administration decertified Colombia -- sending a strong message about our commitment to fighting drugs.** Last year, the Clinton Administration successfully implemented "Zorro II," an effort to shut down a cocaine trafficking partnership between the Cali mafia and a major Mexican mafia trafficking organization.
- **Building a Hemispheric Commitment to Fight Drugs.** The Administration is working through the Summit of Americas Narcotics Action Plan, the 1996 Anti-Drug Strategy in the Hemisphere, and the 1997 OAS Anti-Drug Strategy to build a hemispheric strategy to combat drug use, production, trafficking and money laundering.

MAKING STREETS SAFE

- *Developed a Comprehensive Strategy to Combat the Trafficking and Abuse of Methamphetamine.* The President fought for and signed a methamphetamine strategy that increases penalties for trafficking in meth, and toughens the penalties for trafficking in those chemicals used to produce meth.
- *Mandatory Comprehensive State Drug Testing Plans for Prisoners and Parolees.* President Clinton fought for and signed legislation requiring states to submit drug testing plans for prisoners and parolees which would send them back to prison if they get back on drugs.
- *Putting 100,000 More Police on Our Streets.* The President's plan represents the federal government's biggest commitment ever to local law enforcement.
- **Expanded the High Intensity Drug Trafficking Areas Program (HIDTA).** Under the Clinton Administration's leadership, the number of designated High Intensity Drug Trafficking Areas -- which provides additional resources and federal law enforcement assistance to help drug-plagued communities combat drug trafficking -- has expanded significantly from 5 to 22 HIDTAs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-FEB-1998 16:38:14.00

SUBJECT: Mtg on proposed Non-Discrimination Executive Order

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D57]MAIL45399674Z.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:17-FEB-1998 16:34:29.00

SUBJECT: Request for Mtg

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D60]MAIL42559674N.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: 17-FEB-1998 16:38:14.00

SUBJECT: Mtg on proposed Non-Discrimination Executive Order

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/17/98 04:38
PM -----

Richard Socarides 02/17/98 03:31:40 PM

Record Type: Record

To: Dawn L. Smalls/WHO/EOP
cc: Elena Kagan/OPD/EOP
Subject: Mtg on proposed Non-Discrimination Executive Order

As we discussed, John asked that we set up a meeting (1/2 hour), at the end of this week, to discuss positioning on DPC's proposed executive order banning sexual orientation discrimination in the federal civilian workforce.

He suggested we include the following, "and some others":

John
Richard
Rahm
Bruce Reed and/or Elena

I would also think about including:

Sean Maloney (he's coordinating for staff secretary)
Sylvia
Ann Lewis
Maria Echaveste
Amy Tobe or press rep
Ginny Apuzzo
Ron Klain or VP rep
Laura Marcus
Chuck Ruff or rep

Thanks. R

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Laura Emmett. Subject Request for Mtg. (1 page)	02/17/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[02/06/1998 - 02/24/1998]]

2009-1006-F

wr51

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-FEB-1998 14:50:00.00

SUBJECT: HHS Tobacco

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

READ:UNKNOWN

TEXT:

OK -- i'm just going to say it again -- it is absurd that he is doing this and that people think he is doing it on our behalf. He is not the one who should be talking with HHS, leg, congress, etc. re these issues. Cynthia is. And someone has to tell him that.

----- Forwarded by Elena Kagan/OPD/EOP on 02/18/98 02:47 PM -----

Jerold R. Mande

02/18/98 01:12:55 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Elena Kagan/OPD/EOP

Subject: HHS Tobacco

A couple of items:

1. Claxton was unhappy with today's call. Neither Treasury or OMB ran any of the numbers by him before we presented them to Harkin/Chafee. Claxton, Gruber, Gotbaum are scheduled to meet today at 4pm. I think this will sort itself out.

2. HHS has turned down McCain's request that Donna testify 3/3. HHS cited two reasons: (1) she has a conflict (an approps hearing); and (2) she has already testified before Labor, the committee of jurisdiction, and HHS doesn't want to weigh into a jurisdictional battle. HHS suggested an FDA/CDC/AHCPR/NIH panel instead. McCain's staff thought you may have committed to sending Donna. If you would like to push back on HHS's decision, let me know and I will check with Leg and review the precedents.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-FEB-1998 14:54:30.00

SUBJECT: Re: David Sarasohn, Oregonian

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

READ:UNKNOWN

TEXT:

yep

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-FEB-1998 14:55:52.00

SUBJECT: David Sarasohn, Oregonian

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D56]MAIL41850684L.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-FEB-1998 16:35:23.00

SUBJECT: CFR

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/20/98 04:35
PM -----

Jennifer R. Muller @ OVP
02/20/98 02:39:17 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: CFR

The next Campaign Finance Reform Taskforce meeting will take place on
Monday, February 23 at 3 pm in the Ward Room

Message Sent

To: _____
Peter G. Jacoby/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Paul E. Begala/WHO/EOP
William P. Marshall/WHO/EOP
Lisa M. Brown/OVP @ OVP
Marjorie Tarmey/WHO/EOP
Glen M. Weiner/WHO/EOP
Michael Waldman/WHO/EOP
Thomas D. Janenda/WHO/EOP
Craig T. Smith/WHO/EOP
Lynn G. Cutler/WHO/EOP
Donald H. Gips/OVP @ OVP
Morley A. Winograd/OVP @ OVP
Lisa M. Mallory/OVP @ OVP
Stacie Spector/WHO/EOP
Ann F. Lewis/WHO/EOP
Thomas L. Freedman/OPD/EOP
Charles W. Burson/OVP @ OVP
Jim Kohlenberger/OVP @ OVP
Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP

Message Copied

To: _____
Paul J. Weinstein Jr./OPD/EOP
Christopher J. Lavery/WHO/EOP
Ruby Shamir/WHO/EOP
Cathy R. Mays/OPD/EOP
Rachael E. Sullivan/OVP @ OVP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1998 16:23:19.00

SUBJECT: Race Dinner

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

TEXT:

nope; you should find out before you go.

----- Forwarded by Elena Kagan/OPD/EOP on 02/23/98 04:22
PM -----

Paul J. Weinstein Jr.

02/23/98 11:01:14 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Race Dinner

I have been invited to a race dinner hosted by Maria Echaveste and Paul Begala this Thursday. Do either of you have any idea what this is and why I am invited?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1998 16:26:23.00

SUBJECT: Advance copy of the H1-B testimony

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

TEXT:

get a new version from them as soon as they have one.

----- Forwarded by Elena Kagan/OPD/EOP on 02/23/98 04:25
PM -----

Julie A. Fernandes
02/23/98 01:43:52 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Advance copy of the H1-B testimony

I thought you might want to look at this draft of Labor's testimony for
Wed. on H1B visas that Ingrid just sent over.

----- Forwarded by Julie A. Fernandes/OPD/EOP on 02/23/98
01:51 PM -----

INGRID M. SCHROEDER
02/23/98 01:39:29 PM
Record Type: Record

To: Julie A. Fernandes/OPD/EOP
cc:
Subject: Advance copy of the H1-B testimony

We will circulate this formally with an LRM.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D1]MAIL49107245M.026 to ASCII,
The following is a HEX DUMP:

FF5750431D100000010A0203000000020500000008F650000000200008244C17C7A7476EFFF8EFA
4A44F300507D4AAED13079DB678312A95D6F81B53388E04842F02AB4BF1D7EE846C26F5020AFFF
25F2E8D97477E868E27A70946320F90745FC28C008A987725FE6CA60B212CCABDD665951042A35
71A5C41A7C77A596CCEB6BEE6F0D42845B28602CDC04F5C31BE103EB78342C71900AF5D847026E

STATEMENT OF RAYMOND J. UHALDE
ACTING ASSISTANT SECRETARY OF LABOR
before the
THE SENATE JUDICIARY COMMITTEE

February 25, 1998

Mr. Chairman and Members of the Committee:

Let me begin today, Mr. Chairman, by expressing my sincere appreciation to you for affording me this opportunity to share the views of the Administration regarding immigration, labor market conditions in high-technology industries, and possible reforms in the H-1B nonimmigrant visa program. The Administration shares your interest in the information technology industry, as evidenced by our participation in a recent convocation in Berkeley that addressed Information Technology (IT) work force needs. Further, as you know from Administration proposals advanced beginning in 1993, we believe that the H-1B program needs reform. This employment-based visa program is seriously flawed in its current form and urgently requires the attention of Congress. I would like to commend the Committee for its interest in these issues.

Tight Labor Markets and IT Skills Shortages

It is clear that IT employment is growing rapidly, IT labor markets are tight, and they are likely to remain so. Although this is true for the nation as a whole, given our sustained economic expansion and low national unemployment rate, IT labor markets appear to be particularly affected. Employment of computer systems analysts, engineers, and scientists has been growing by 10% a year -- well above the growth of comparable occupations -- and is expected to continue growing at a comparable rate through 2006. BLS projects that the U.S. will require more than 1.3 million new workers in IT core occupations between 1996 and 2006 to fill job openings

projected to occur due to growth and the need to replace workers who leave the labor force or transfer to other occupations.

The IT skills shortage issue is very controversial. Industry advocates say that hundreds of thousands of jobs cannot be filled and that these vacancies are hurting U.S. competitiveness. Critics say the IT industry: (1) drastically overstates any problem by producing inflated job vacancy data and equating it to skills shortages; (2) continues to lay off tens of thousands of workers (e.g., AT&T recently announced large lay-offs); and (3) fails to tap reservoirs of talent available by using unnecessarily specific recruitment requirements and not providing more training to current IT workers.

One point of contention is the confusion between job vacancies and actual skills shortages. Even if the latest industry survey, which found nearly 350,000 job vacancies in the IT industry is accurate, it does not mean that there is a skills shortage of that same magnitude. Nearly all industries and firms, particularly those with rapid employment growth and high worker turnover, will have large numbers of jobs openings or vacancies without experiencing skills shortages.

Evidence from perhaps the best predictor of skills shortages -- wage growth -- does not suggest acute skills shortages nationwide in the IT industry, but may be consistent with skills shortages in specialized occupational areas and selected local areas. Broad-based Bureau of Labor Statistics (BLS) surveys show increases in IT wages in 1996 and 1997 that are only modestly above comparable occupations, while more specialized industry surveys show much larger wage increases in more specialized, high-skills occupations.

The Administration believes it is essential, regardless of the magnitude of the problem, to

shape public policy to assure that IT workforce needs are met, but that increased immigration should be the last -- not the first -- public policy response to skills shortages. Our first response should be to provide the needed skills to U.S. workers to qualify them for IT jobs.

Tight labor markets and skills shortages create incentives for employers and workers to behave in ways needed to achieve many of the Administration's top priorities: moving welfare recipients, out-of-school youth, and workers dislocated by trade into jobs; providing greater opportunities for lifelong learning; and raising wages and reducing income inequality. Reliance on increased immigration, however, would undercut these market incentives and adversely affect our ability to upgrade the skills of U.S. workers to meet emerging skills shortages.

The existence of a tight labor market causes employers to raise wages, improve working conditions, and provide increased training to enable currently employed workers to keep pace with technology and induce more workers to enter the labor market. The increased demand for trained workers induces educational and job training institutions to teach new skills. With more opportunities for training, workers acquire skills needed to obtain better, higher-paying and more secure jobs, thereby creating open jobs and career ladders for those just entering or reentering the labor market -- young people, welfare recipients, displaced workers, and other disadvantaged groups.

Labor markets are sometimes slow to respond to skills shortages. In these circumstances, it is often argued that foreign temporary workers are needed in the short-term to provide necessary skills while the labor market adjusts and provides U.S. workers with the requisite training. Without needed foreign temporary workers, some argue that the IT industry may adjust to skills shortages in ways that do not serve the short-term or long-term priorities of the country,

either by reducing job creation or by moving jobs overseas. Further, it is argued that IT industries are so critical to our competitive edge in an array of industries and services that disproportionate harm could come to the U.S. economy.

Even in such circumstances, however, the use of foreign temporary workers will interfere with labor market adjustments and makes achieving our other priorities more difficult. It dampens the market signals of increased wages, improved working conditions, and enhanced job security and growth potential so that fewer U.S. workers will be induced to acquire new skills, and fewer employers and institutions will be induced to provide more training and education.

Our primary public policy response to skills mismatches due to changing technologies and economic restructuring must be to prepare the U.S.

workforce to meet new demands. Importing needed skills should usually be a short-term response to meet urgent needs while we actively adjust to quickly changing circumstances.

The Administration already has taken significant steps to increase our capacity for increasing workforce skills. The President continues to pursue comprehensive reform of the Nation's employment and training system by working with Congress to enact the principles embodied in his GI Bill proposal. Moreover, in the historic balanced budget agreement of last summer, the President insisted on and achieved the largest increase in 30 years in the Federal investment to expand the skills of American workers, including:

- the largest Pell Grant increase in two decades -- boosting the maximum from \$2,700 to \$3,000;
- a \$1,500 Hope Scholarship to make the first two years of school universally available through tax credits;

- the Lifelong Learning Tax Credit for the last 2 years of college and continuing adult education and training to upgrade worker skills;
- a 10 percent increase in employment and training resources for dislocated workers and disadvantaged workers and youth to over \$5 billion; and
- a \$3 billion program to help move 1 million people from welfare to work.

Further, the Administration announced several new efforts at the recent Berkeley Convocation to help address the growing demand for information technology workers:

- A Labor Department Technology Demonstration project to test innovative ways of establishing partnerships between local workforce development systems, employers, training providers and others to train dislocated workers in needed high tech skills;
- The expansion and integration of America's Job Bank and America's Talent Bank by the Labor Department to allow employers and workers to list and access job openings and worker resumes in one integrated system.
- A Commerce Department grant program to bring information technology to poor people, particularly to enhance education and life-long learning;
- The convening of four town hall meetings by the Commerce Department to discuss IT workforce needs, identify best practices, and showcase successful models; and
- A joint Education and Labor grant program to expand employer involvement in high technology school-to-work programs.

We think that there is more that we can do to move U.S. workers into high technology

jobs, and we welcome the discussions that may be sparked by this hearing. Given this broader context, let me turn to the need for reform of the H-1B nonimmigrant program.

H-1B Nonimmigrant Program

The H-1B program allows the admission of up to 65,000 workers each year (to stay for as long as six years), ostensibly to meet short-term, high-skills employment needs in the domestic labor market. In principle, this can be an appropriate purpose, consistent with our overall goal of giving priority to improving the skills of U.S. workers.

In practice, however, employers do not have to demonstrate any type of employment need prior to getting a foreign worker. Exacerbating this problem, the Labor Department is limited strictly in its ability to enforce the minimum standards that employers must adhere to.

Employers obtain H-1B foreign workers by filing a labor condition application with the Department affirming that they have complied with four requirements:

- that a wage (not less than the local prevailing rate) will be paid to the foreign workers;
- that no strike or lockout exists;
- that notification has been provided to U.S. workers and their unions; and
- that the employment of H-1B nonimmigrants will not adversely affect the working conditions of U.S. workers similarly employed.

By law, the Labor Department can do no more than review these attestations for completeness and obvious inaccuracies -- to determine whether an employer checked all of the boxes, made no flagrant errors, and signed the attestation. Once the Department has reviewed the attestation, its enforcement has been limited by the fact that foreign worker is unlikely to make a complaint.

Our experience with the practical operation of the H-1B program has raised serious concerns that what was conceived as a means to meet temporary business needs for unique, highly-skilled professionals from abroad is, in fact, being used for a totally different purpose. Some employers -- though a minority of those who use the H-1B program -- seek admission of foreign workers to compete with qualified U.S. workers because temporary foreign workers are tied to one employer and are likely to be willing to work for lower wages and under less favorable working conditions. As a result, relatively large numbers of foreign workers who may well be displacing U.S. workers and eroding employers' commitment to the domestic workforce.

Many employers, to be sure, use the H-1B nonimmigrant program for its stated purpose: to provide U.S. businesses with timely access to the "best and the brightest" in the international labor market to meet urgent but generally temporary business needs. I want to emphasize that the Administration recognizes the need for this legitimate use of the program. But reform of the H-1B program is needed because it does not provide the needed balance between timely access to the international labor market and adequate protection of U.S. workers' job opportunities, wages and working conditions.

Greater protections for U.S. workers are needed because many employers use the H-1B program to employ not the "best and the brightest," but rather entry-level foreign workers who compete with U.S. workers. Minimum education and work experience qualifications for H-1B jobs are quite low -- a 4-year college degree and no work experience, or the equivalent in terms of combined education and work experience. Thus, a foreign worker with the equivalent of a community college degree and a few years of experience can compete with U.S. workers. These low educational requirements result in nearly 80 percent of H-1B jobs paying less than \$50,000 a

year and more than 70 percent of the jobs being in computer-related occupations, physical therapists, RN's and other health-related occupations.

The H-1B program is broken in several respects. First, current law does not require any test for the availability of qualified U.S. workers in the domestic labor market. Therefore, many of the visas under the current cap of 65,000 can be used lawfully by employers to hire foreign workers for purposes other than meeting a skills shortage. Second, current law allows a U.S. employer to lay off U.S. workers and replace them with H-1B workers. Third, current law allows employers to retain H-1B workers for up to 6 years to fill a presumably "temporary" need. We simply do not believe this is right. The H-1B program does almost nothing to encourage U.S. employers to develop U.S. workers to perform the jobs for which they are seeking nonimmigrants, or to limit their dependency on a nonimmigrant workforce.

As a result of these weaknesses in the program, it has become increasingly evident that the H-1B program is being utilized by some as the basis for building businesses dependent on the labors of foreign workers in relatively low-level computer-related and health care occupations. This is a clear example of companies using H-1B visas for foreign workers that are not needed to meet skills shortages. Such businesses are, in some cases, in unfair competition with U.S. workers and those U.S. businesses that employ mostly U.S. workers. The growth of "job contractors" with work forces composed predominantly or even entirely of H-1B workers, which then lease these employees to other U.S. companies or use them to provide services previously provided by laid off U.S. workers, is cause for serious concern.

Mr. Chairman, the Administration asked the Congress in 1995 to amend the H-1B nonimmigrant program to address these problems. Unfortunately for many U.S. businesses and

workers, these amendments were not enacted. The amendments requested in 1995 were carefully designed to assure continued business access to needed high-skills workers in the international labor market while decreasing the H-1B program's susceptibility to misuse to the detriment of U.S. workers and the businesses which employ them. Briefly stated, the amendments would require employers which seek access to temporary foreign "professional" workers to attest that:

- they have not laid off or otherwise displaced U.S. workers in the occupations for which they seek nonimmigrant workers in the periods preceding and following their seeking such workers; and,
- in certain circumstances, they have taken timely and significant steps to recruit and retain U.S. workers in these occupations.

In addition, the Administration urged enactment of another amendment to reduce the allowable period of stay under the H-1B program from six to three years to better reflect the "temporary" nature of the presumed employment need.

Enactment of these amendments will help employers actually facing skills shortages, including those in the IT industry, obtain needed workers through the H-1B program. Under existing program rules, employers facing skills shortages are disadvantaged because they must compete for available visas (up to the cap of 65,000) on a first-come, first-served basis with other employers that do not face such shortages. Enactment of the proposed amendments would reduce pressure on the visa cap by screening out employers that are not faced with skills shortages and have no interest in recruiting U.S. workers.

A significant number of such employers use the H-1B program as a probationary program for foreign students who graduate from U.S. colleges, without a market test for U.S. workers, to

determine if they want to sponsor the foreign student for permanent immigration status. By reducing the use of the H-1B for such purposes, more visas would be available for employers who need to use the H-1B program for its original purpose -- bringing in foreign workers to fill a temporary, critical need that cannot be met by U.S. workers.

Conclusion

Mr. Chairman, let me conclude by repeating that reform of the H-1B program is integral and essential to eliminating abuses under the program and providing greater protections for U.S. workers. At a bare minimum, we must not expand a program as fundamentally flawed as the H-1B nonimmigrant visa program. Further, enactment of these reforms would effectively allocate a greater share of H-1B visas to employers facing actual skills shortages.

I appreciate the interest shown by the Committee Members and staff in our views, and your thoughtful consideration of them. The Department looks forward to continuing to work closely and cooperatively with you and your staff on these issues. Mr. Chairman, that concludes my prepared statement.

Withdrawal/Redaction Marker

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003. email	Phone No. (Partial) (1 page)	02/23/1998	P6/b(6)

COLLECTION:

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OPD ([From Elena Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[02/06/1998 - 02/24/1998]]

2009-1006-F
wr51

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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1998 19:39:48.00

[COB]

SUBJECT: Press Inquiries on Times story on tech workers

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

READ:UNKNOWN

TEXT:

i did. thanks.----- Forwarded by Elena Kagan/OPD/EOP on
02/23/98 07:39 PM -----

Jake Siewert

02/23/98 03:02:36 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP, Barry J. Toiv/WHO/EOP

cc: Laura Emmett/WHO/EOP

Subject: Press Inquiries on Times story on tech workers

Who is handling inquiries on the Times story today on visa and hi-tech workers? I have no info or guidance, but have gotten a couple of calls.

In particular, could someone please get back to Miranda Ewell w/the San Jose Mercury News today?

She is at P6/(b)(6). Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1998 16:22:13.00

SUBJECT: Bye-bye Stephen

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

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 02/23/98 04:21
PM -----

Rebecca A. Cameron
02/23/98 10:06:32 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Bye-bye Stephen

Please join us as we bid farewell to
Stephen Goodin
as he heads off to
the Big Apple

State Dining Room
Tuesday, February 24, 1998
4:00 pm - please be on time!
Please RSVP to me!

Message Sent

To: _____
Lori L. Anderson/WHO/EOP
Brenda M. Anders/WHO/EOP
Virginia Apuzzo/WHO/EOP
Kris M Balderston/WHO/EOP
Nicholas R. Baldick/WHO/EOP
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Raymond E. Donnelly III/WHO/EOP
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Marilyn R. Jacanin/WHO/EOP
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Christopher C. Jennings/OPD/EOP
Jon P. Jennings/WHO/EOP
Michele Jolin/CEA/EOP
Elena Kagan/OPD/EOP
Thomas A. Kalil/OPD/EOP
Jonathan A. Kaplan/OPD/EOP
Sally Katzen/OPD/EOP
Jennifer L. Klein/OPD/EOP
Karin Kullman/WHO/EOP
Robert D. Kyle/OPD/EOP
Sara M. Latham/WHO/EOP
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Lisa J. Levin/WHO/EOP
Ann F. Lewis/WHO/EOP

Bruce R. Lindsey/WHO/EOP
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Ira C. Magaziner/OPD/EOP
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Thurgood Marshall Jr/WHO/EOP
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Doris O. Matsui/WHO/EOP
Andrew J. Mayock/WHO/EOP
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Kelli R. McClure/WHO/EOP
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R. Scott Michaud/WHO/EOP
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Minyon Moore/WHO/EOP
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Jonathan Orszag/OPD/EOP
Peter R. Orszag/OPD/EOP
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Emil E. Parker/OPD/EOP
Carole A. Parmelee/WHO/EOP
Julia M. Payne/WHO/EOP
Charles J. Payson/WHO/EOP
Angelique Pirozzi/WHO/EOP
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Sondra L. Seba/WHO/EOP

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Stephen B. Silverman/WHO/EOP
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Gene B. Sperling/OPD/EOP
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Aviva Steinberg/WHO/EOP
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Darby E. Stott/WHO/EOP
Stephanie S. Streett/WHO/EOP
Jordan Tamagni/WHO/EOP
Neera Tanden/WHO/EOP
Marjorie Tarmey/WHO/EOP
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Amy W. Tobe/WHO/EOP
Barry J. Toiv/WHO/EOP
Karen Tramontano/WHO/EOP
June G. Turner/WHO/EOP
Michael Waldman/WHO/EOP
Ann F. Walker/WHO/EOP
Setti D. Warren/WHO/EOP
Christopher Wayne/WHO/EOP
Lowell A. Weiss/WHO/EOP
Paul J. Weinstein Jr./OPD/EOP
Maria A. Westfried/WHO/EOP
Daniel Wexler/WHO/EOP
Kim B. Widdess/WHO/EOP
Cecily C. Williams/WHO/EOP
Judith A. Winston/PIR/EOP
Barbara D. Woolley/WHO/EOP
Lucia A. Wyman/WHO/EOP
Janet L. Yellen/CEA/EOP
Eli G. Attie/OVP @ OVP
Matthew L. Bennett/OVP @ OVP
Lisa A. Berg/OVP @ OVP
Paul J. Cusack/OVP @ OVP
Michael B. Feldman/OVP @ OVP
Donald H. Gips/OVP @ OVP
Elizabeth Harrington/OVP @ OVP
Ansley Jones/OVP @ OVP
Ron Klain/OVP @ OVP
Jim Kohlenberger/OVP @ OVP
Heather M. Marabeti/OVP @ OVP
Nathan B. Naylor/OVP @ OVP
Jonathan H. Schnur/OVP @ OVP
Jonathan Spalter/OVP @ OVP
David R Thomas/OVP @ OVP
Elisabeth Steele/WHO/EOP
Sylvia M. Mathews/WHO/EOP
Debra A. Schiff/WHO/EOP
Joseph P. Lockhart/WHO/EOP

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Attachment Number: [ATTACH.D10]MAIL43766245D.026

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File Name: p_c5426671_who_html_2.hex

Attachment Number: [ATTACH.D10]MAIL44766245E.026

Clinton Presidential Records Automated Records Management System [EMAIL]

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File Name: p_c5426671_who_html_3.hex

Attachment Number: [ATTACH.D10]MAIL46766245F.026

INFORMATION

Draft February 24, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: GENE SPERLING, BRUCE REED

RE: ADMINISTRATION POLICY ON SKILLED TEMPORARY FOREIGN WORKERS

We are providing you with this informational memo on the "H1-B visa" issue because the *New York Times* recently ran a story on the basis of a leaked internal Administration options memo, and because this is an important topic to Silicon Valley companies. You will be interacting with high-tech CEOs during your California trip later this week, and may get asked about this. A suggested Q&A is attached.

Current U.S. law permits 65,000 H1-B visas each year for skilled temporary foreign workers. The computer and health care industries are the primary users of the H1-B program. The annual 65,000 visa cap was met for the first time in FY 1997. We expect to reach the limit again in May or June, several months before the end of the current fiscal year. Accordingly, the cap is likely to become a legislative issue in this session of Congress.

The information technology (IT) industry, along with Senator Abraham, Representative Zoe Lofgren, and other members of Congress, support either the removal of or a significant increase in the H1-B cap. Unions, other worker organizations, Senator Kennedy, Congressman Dingell, and other members of Congress are likely to oppose any increase.

A DPC/NEC working group with representatives from Labor, Commerce, State, and INS has started to meet to develop Administration policy on:

1. Steps we can take to work with industry and institutions of higher education to address the shortage of workers with IT skills;
2. Reforms of the H1-B program (e.g. a prohibition against laying off U.S. workers to replace them with foreign workers); and
3. Whether or not to increase the H1-B cap from its current level of 65,000.

We have tentatively decided that our focus should be on partnering with industry to upgrade the skills of American workers, and not on proposing an increase in the cap at this point. For example, we successfully addressed concerns about the shortage of shipbuilder workers in Louisiana by bringing together industry, labor, and state and local elected officials. We ultimately determined that rather than a 10,000 worker shortage, the industry needed less than 1,000 temporary foreign workers.

As part of an overall package -- industry commitments to upgrade worker skills and reform of the H1-B visa system -- the interagency group is willing to consider an increase in the H1-B cap if it is truly necessary. However, we do not think that it makes any tactical sense to start with this as our publicly stated position. Furthermore, even a 20,000 to 35,000 increase in the H-1B cap is not likely to solve the problem, given the projected growth in demand for workers with IT skills.

Our next step is to meet with high-tech industry executives to develop an "action plan" that builds on a series of announcements that the Departments of Commerce, Education and Labor made at a January 1998 conference in Berkeley, California.

Q. Mr. President, will your Administration grant more visas to high-skilled foreign workers who are in demand by high-tech industries?

We have made no decision on this issue. In reviewing our options, my Administration's first priority will be to ensure that American workers have the skills they need to fill these jobs, and that they have priority over any foreign workers with similar training. The growing demand for workers with high-tech skills shows how critical my agenda for life-long learning is -- HOPE scholarships to open the doors of college, tax credits for employer investment in life-long learning, and making sure that all of our children are technologically literate.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-FEB-1998 14:41:29.00

SUBJECT: Q&A on Press Reports of H-1B Policy Discussion

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

READ:UNKNOWN

TEXT:

could you do this?

----- Forwarded by Elena Kagan/OPD/EOP on 02/24/98 02:41 PM -----

Reed Gary <reed-gary @ dol.gov>

02/24/98 01:50:18 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Q&A on Press Reports of H-1B Policy Discussion

You mentioned that you had done a Q&A on how to respond to press inquiries regarding the NY Times (and today's Wall St. Journal) article on the H-1B policy deliberations. I assume that we should be saying much of the same thing to Congressional inquiries. Could you send me a copy of your Q&A so that I could put it in Ray Uhalde's briefing book?

I will send to you and others several other Q&A's that we are preparing for Ray later this afternoon for your review and input.

Thanks