

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 006 - FOLDER 004

[9/28/1998 - 10/13/1998]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Maria Echaveste re: thanks (1 page)	09/28/1998	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[9/28/1998 - 10/13/1998]

2009-1006-F

ry941

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]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Maria Echaveste re: thanks (1 page)	09/28/1998	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[9/28/1998 - 10/13/1998]

2009-1006-F
ry941

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:28-SEP-1998 14:54:44.00

SUBJECT: OCT 14-CPI BRIEF BY KATHARINE ABRAHAM

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

TEXT:

bruce and i think you should go to this. I'm forwarding another message from Becky Blank as well.

----- Forwarded by Elena Kagan/OPD/EOP on 09/28/98 02:54 PM -----

Francine P. Obermiller
09/28/98 10:46:32 AM
Record Type: Record

To: Donald R. Arbuckle/OMB/EOP, Sally Katzen/OPD/EOP, Elena Kagan/OPD/EOP,
David W. Beier/OVP @ OVP
cc:
Subject: OCT 14-CPI BRIEF BY KATHARINE ABRAHAM

Rebecca Blank invites you to a CPI Brief on Wednesday, October 14, 10:30-11:30am, Old EOB, Room 324, to be given by the Bureau of Labor Statistics Commissioner Katharine Abraham, and her staff.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-SEP-1998 15:03:29.00

SUBJECT: Re: Thank You and Farewell

TO: Judith A. Winston (CN=Judith A. Winston/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

TEXT:

Judy: You did a terrific job in very tough circumstances. You should feel really proud.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-SEP-1998 14:47:22.00

SUBJECT: OCT 14-CPI BRIEF BY KATHARINE ABRAHAM

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

READ:UNKNOWN

TEXT:

who should go to this?

----- Forwarded by Elena Kagan/OPD/EOP on 09/28/98 02:47 PM -----

Francine P. Obermiller

09/28/98 10:46:32 AM

Record Type: Record

To: Donald R. Arbuckle/OMB/EOP, Sally Katzen/OPD/EOP, Elena Kagan/OPD/EOP, David W. Beier/OVP @ OVP

cc:

Subject: OCT 14-CPI BRIEF BY KATHARINE ABRAHAM

Rebecca Blank invites you to a CPI Brief on Wednesday, October 14, 10:30-11:30am, Old EOB, Room 324, to be given by the Bureau of Labor Statistics Commissioner Katharine Abraham, and her staff.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-SEP-1998 14:53:09.00

SUBJECT: Ethridge Breakfast

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

TEXT:

this looks like a question for you.

----- Forwarded by Elena Kagan/OPD/EOP on 09/28/98 02:52
PM -----

Kevin S. Moran 09/28/98 02:42:00 PM

Record Type: Record

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

cc:

Subject: Ethridge Breakfast

Erskine is going to drop by a breakfast tomorrow that is being thrown for Bobby Ethridge by a variety of pharmaceutical companies. Are there any pending pharmaceutical issues that Erskine should be aware of? Kevin

Message Sent

To: _____
Jessica L. Gibson/WHO/EOP
Elena Kagan/OPD/EOP
Bruce N. Reed/OPD/EOP
Melissa G. Green/OPD/EOP
Cathy R. Mays/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:28-SEP-1998 14:55:08.00

SUBJECT: OCT 14-CPI DISCUSSION

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 09/28/98 02:54
PM -----

Francine P. Obermiller
09/28/98 11:39:16 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: ABRAHAM_K @ BLS.GOV, Ophelia D. West/OMB/EOP, Alice H.
Williams/CEA/EOP, Lisa D. Branch/CEA/EOP
Subject: OCT 14-CPI DISCUSSION

Katharine G. Abraham, Commissioner, Bureau of Labor Statistics, will, discuss planned changes in the methods used to construct the CPI at a technical briefing sponsored by the CEA on October 14, 10:30-11:30am. The briefing will be held in the Old EOB, Room 324.

Since early in 1971, the Bureau of Labor Statistics (BLS) has considered modifications made to some consumer items--principally automobiles--to meet air pollution standards to be improvements in the quality of those items. Price increases resulting from such modifications over this time period have not been reflected as increases in the Consumer Price Index (CPI). Beginning in 1999, modifications to goods and services made solely for purposes of meeting air pollution standards, and that do not otherwise provide direct value to consumers, will no longer be treated as quality improvements in the CPI. Price increases associated with such modifications will be reflected as increases in the index.

Message Sent

To: _____
Janet L. Yellen/CEA/EOP
Jeffrey A. Frankel/CEA/EOP
Steven N. Braun/CEA/EOP
Sally Katzen/OPD/EOP
Elena Kagan/OPD/EOP
David W. Beier/OVP @ OVP
Joseph J. Minarik/OMB/EOP
PATRICIA RUGGLES @ 690-6562 @ FAX

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:28-SEP-1998 14:48:34.00

SUBJECT: RECEIVED: OCT 14-CPI BRIEF BY KATHARINE ABRAHAM

TO: Francine P. Obermiller (CN=Francine P. Obermiller/OU=CEA/O=EOP [CEA])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
OCT 14-CPI BRIEF BY KATHARINE ABRAHAM
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
09/28/98 02:46:46 PM

September 26, 1998

MEMORANDUM FOR THE PRESIDENT AND VICE PRESIDENT

FROM: Bruce Reed
Elena Kagan

SUBJECT: Federal Tobacco Claims

Over the last few months, we and Bruce Lindsey have had many conversations with Department of Justice attorneys regarding the feasibility of bringing suit against the tobacco companies for Medicare and other losses stemming from the use of tobacco products. We also have asked DOJ lawyers to consult with a number of law professors and trial attorneys who have considered the viability of a lawsuit.

The Department now has concluded that it should not bring suit against the companies. Almost everyone at DOJ agrees that such a suit could be brought consistent with Rule 11 (*i.e.*, with minimum professional standards). Most DOJ lawyers also acknowledge that given the size of the claim and other factors, the companies might well choose to settle the suit (as they are settling state claims) for a substantial sum of money plus public health concessions. DOJ attorneys believe, however, that they should not bring suit unless they would stand a reasonable prospect of actually winning the suit at trial and on appeal (*i.e.*, putting aside all settlement possibilities). The attorneys have concluded that under existing law governing Medicare and other potential federal claims, they cannot meet this standard. The lawyers principally argue that current law precludes the federal government from aggregating (*i.e.*, bringing in a single suit) claims for each Medicare beneficiary's tobacco-related health care costs.

At the same time, most DOJ attorneys appear amenable to settling federal claims against the tobacco companies without bringing a prior lawsuit. (The lawyers reason that although they cannot bring suit against the companies for want of an effective aggregation device, they do in fact have millions of individual claims against the companies, which they could settle all at once.) Under this approach, the government would enter into negotiations with the tobacco companies to resolve potential federal claims; if an agreement were reached, the parties would file in court a settlement agreement and proposed consent decree, which would release federal claims against the tobacco companies in exchange for some combination of monetary damages and injunctive relief. No legislation would be necessary.

We have some reason to believe that the companies -- at least Phillip Morris and Lorillard -- would have an interest in entering into this kind of negotiation in the wake of a settlement with the states (which, as you know, is rumored to be in the offing). The principal outside counsel for Phillip Morris (Meyer Koplow) recently suggested to Elena that his client wants to resolve all

government claims against it, including potential claims by the federal government. He implied that a potential settlement agreement could include money, FDA jurisdiction, and marketing restrictions.

The prospects of actually reaching a good agreement with the companies are uncertain. We know that the companies want to rid themselves of potential government litigation, primarily so they can spin off non-tobacco assets. But without an actual suit against the companies, we would have relatively little leverage in negotiations. Moreover, we could encounter serious legal difficulties in trying to achieve some of our objectives -- particularly, an assurance of FDA jurisdiction -- through a non-legislated settlement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-SEP-1998 13:49:47.00

SUBJECT: Re: Fatherhood

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

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

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

TEXT:

You bet -- I'll make sure our people talk with Nancy.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-SEP-1998 08:58:46.00

SUBJECT: tobacco & the election

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

READ:UNKNOWN

TEXT:

bruce--you should take this, I think.

----- Forwarded by Elena Kagan/OPD/EOP on 09/29/98 08:58 AM -----

Laura Emmett

09/29/98 08:41:12 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: tobacco & the election

FYI-

----- Forwarded by Laura Emmett/WHO/EOP on 09/29/98 08:41 AM -----

Amy W. Tobe

09/28/98 07:15:34 PM

Record Type: Record

To: Laura Emmett/WHO/EOP

cc:

Subject: tobacco & the election

----- Forwarded by Amy W. Tobe/WHO/EOP on 09/28/98 07:16 PM -----

Amy W. Tobe

09/28/98 07:15:22 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Craig T. Smith/WHO/EOP

cc: Christopher J. Lavery/WHO/EOP

Subject: tobacco & the election

Warren Strobel of the Washington Times is doing a story on "Whither Tobacco as an issue in the 98 election" -- my title not his. He said when the deal died, we said it would be an issue, but it seems to have faded away. Beyond the radio address, when has the POTUS talked about it and what is our take on his thesis? Who should talk with him?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-SEP-1998 13:53:03.00

SUBJECT: Fatherhood

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

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 09/29/98 01:52
PM -----

Ron Klain @ OVP
09/29/98 09:26:27 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Fatherhood

Keep in mind as you work on this that this is a big VP issue. He directs the Federal Fatherhood Initiative, at the President's request, which submits an annual report to the President on how federal policies/agencies are doing in our efforts to implement the President's EO on Fatherhood. This was also the subject of the 1993 Gore Family Conference, the first one that POTUS attended. The VP also regularly attends/speaks at national fatherhood conventions and meetings (indeed, it was at the 1998 National Fatherhood Conference where the VP made his infamous Michael Jackson/Michael Jordan slip-up, after he followed fatherhood-spokesman Mike Singeltarry to the podium.) Nancy Hoit of our operation handles this issue for us.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 29-SEP-1998 18:18:49.00

SUBJECT: memo

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

READ: UNKNOWN

TEXT:

Bruce -- I'm giving this to you without a last paragraph or two -- sorry. It seems to me that we need to do a bit more in the way of pros and cons. On the pro side -- will make us look proactive and will set up congressional debate next year (even assuming we can't reach a good agreement). On the con side: Dems may think that we'll sell them out and be angry with us. I think the recommendation should be to make sure it's OK with them (convince them that it will be a tough negotiating team etc.) and then go ahead and do it. Again, sorry I'm leaving you with this, and much else. I'll call you tomorrow,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-SEP-1998 14:24:53.00

SUBJECT: Re: Fatherhood

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

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by Elena Kagan/OPD/EOP on 09/29/98 02:36
PM -----

Cynthia A. Rice

09/29/98 02:10:08 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Bruce N. Reed/OPD/EOP, Andrea Kane/OPD/EOP

bcc:

Subject: Re: Fatherhood

Yes, we've been working closely with the Vice President's folks for months on fatherhood issues. Andrea has organized a working group that includes Nancy Hoit (who advises the VP from Boston) and other VP staff who are here in D.C. including Lisa Mallory.

Elena Kagan

09/29/98 01:52:02 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Cynthia A. Rice/OPD/EOP

cc:

Subject: Fatherhood

----- Forwarded by Elena Kagan/OPD/EOP on 09/29/98 01:52
PM -----

Ron Klain @ OVP

09/29/98 09:26:27 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Fatherhood

Keep in mind as you work on this that this is a big VP issue. He directs the Federal Fatherhood Initiative, at the President's request, which submits an annual report to the President on how federal policies/agencies are doing in our efforts to implement the President's EO on Fatherhood.

This was also the subject of the 1993 Gore Family Conference, the first one that POTUS attended. The VP also regularly attends/speaks at national fatherhood conventions and meetings (indeed, it was at the 1998 National Fatherhood Conference where the VP made his infamous Michael Jackson/Michael Jordan slip-up, after he followed fatherhood-spokesman Mike Singeltarry to the podium.) Nancy Hoit of our operation handles this issue for us.

Draft

ONE DAY FOR AMERICA'S SCHOOLS: ONE DAY ONE VOTE

ONE DAY FOR AMERICA'S SCHOOLS. President Clinton will urge Congress--before it goes home in two short weeks--to help ensure every American student receives a world-class education. Joined by Vice President Gore and more than 20 Congressional Democrats, President Clinton will urge the Congress to set aside one of the few remaining days this year to vote on and pass his education agenda to reduce class size to a national average of 18, modernize 5,000 schools nationwide, and make the needed investments to provide schools and students with after-school programs, technology, and other tools to bring our schools into the 21st century.

- **Smaller Classes With Well-Prepared Teachers.** President Clinton will urge Congress to pass the Class Size Reduction and Teacher Quality Act, his proposal to provide \$12 billion over 7 years to help local communities hire 100,000 teachers and reduce class size to a national average of 18 in grades 1-3. Studies show that smaller classes help teachers provide more personal attention to students and spend less time on discipline, and help students to learn more and get a stronger foundation in the basic skills.
- **Modern Schools for the 21st Century.** President Clinton will urge Congress to pass his School Modernization initiative, which will provide local communities with \$22 billion in interest-free bonds to help renovate, modernize and build over 5,000 schools nationwide to reduce overcrowding, fix leaky roofs, and make schools safer.
- **Critical Investments in After-School Programs, Education Technology and Basic Education.** President Clinton will urge the Congress to fully fund his FY 1999 budget request to strengthen public schools by raising standards, increasing accountability, expanding public school choice, strengthening teaching and learning and keeping our schools safe and drug free.
- **After-School programs for academic enrichment and extra help in a safe, supervised environment.** The President's budget would provide after-school opportunities to more than 425,000 [check number] students, with important tutoring, academic enrichment programs, supervised recreation and community service opportunities in safe, drug-free environments.
- **Education Technology.** The President has made an unprecedented commitment to bringing technology to the classroom and called for technology training for teachers and expanded access for teachers and students to computers in the classroom.
- **Strengthening Public Schools.** Overall, the House Labor/HHS appropriations bill is \$2 billion below the President's funding request, and fails to make critical investments needed to raise academic standards, help young children learn to read and all students master the basics, keep our

schools drug free, and give disadvantaged students and their families pathways to college. While the Senate bill rejects the extreme cuts made by the House, it is still X billion below the President's request, and shortchanges programs that help young children learn to read, help children become proficient in English and learn academic subjects, establish innovative Charter Schools, and keep middle schools safe and drug-free.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-SEP-1998 08:46:55.00

SUBJECT: C/J/S; INTERIOR; DC APPROPS LETTERS

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

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 09/29/98 08:46
AM -----

Kate P. Donovan
09/28/98 08:46:17 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: C/J/S; INTERIOR; DC APPROPS LETTERS

Below are draft conferees letters for three appropriations bills: 1)
C/J/S; 2) Interior; and 3) District of Columbia. We aim to send all three
letters by cob Tuesday, 9/29. Please review & provide comments by 1pm,
Tuesday. Thank you very much.

Message Sent

To: _____

Rahm I. Emanuel/WHO/EOP
John Podesta/WHO/EOP
Gene B. Sperling/OPD/EOP
Sally Katzen/OPD/EOP
Elena Kagan/OPD/EOP
Martha Foley/WHO/EOP
Ron Klain/OVP @ OVP
Joshua Gotbaum/OMB/EOP
Lisa M. Kountoupes/WHO/EOP
Kathleen A. McGinty/CEQ/EOP
Wesley P. Warren/CEQ/EOP
Kerri A. Jones/OSTP/EOP
Jeffrey M. Smith/OSTP/EOP
Todd Stern/WHO/EOP
G. E. DeSeve/OMB/EOP
RUDMAN_M @ A1@CD@VAXGTWY
Michelle Peterson/WHO/EOP
Maria Echaveste/WHO/EOP
Jonathan H. Schnur/OPD/EOP
Michael Cohen/OPD/EOP

The Honorable Bob Livingston
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter provides the Administration's views on the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 1999, as passed by the House and by the Senate. As the conferees develop a final version of the bill, your consideration of the Administration's views would be appreciated.

The Administration appreciates the Congress' support for many of the President's priorities within the 302(b) allocation. For example, we appreciate the funding levels provided by both the House and the Senate for law enforcement programs in general and the COPS program in particular. Funding COPS at the requested level of \$1.4 billion is consistent with the Balanced Budget Agreement and would enable us to achieve the goal of hiring 100,000 additional police officers by the year 2000.

However, the allocation is simply insufficient to make the necessary investments in other critical programs funded by this bill. The only way to achieve the appropriate investment level is to offset discretionary spending by using savings in other areas. The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by making savings in mandatory and other programs available to help finance this spending. In the Transportation Equity Act, Congress -- on a broad, bipartisan basis -- took similar action in approving funding for surface transportation programs paid for with mandatory offsets. We want to work with the Congress on mutually agreeable mandatory and other offsets that would be used to increase high-priority discretionary programs, including those funded by this bill. In addition, we hope that the Congress will reduce funding for lower priority and unrequested discretionary programs, and redirect funding to programs of higher priority.

The Administration has very serious concerns, discussed below, with the Congress' inadequate funding of a number of priority programs, as well as with objectionable language provisions. If the bill presented to the President does not address these issues, the President's senior advisers would recommend that he veto the bill.

Legal Services Corporation

The Administration appreciates the funding level of \$300 million provided for the Legal Services Corporation (LSC) in the Senate bill. While we acknowledge the House amendment to increase funding above the House Committee level, the resulting House funding level for LSC remains unacceptable. The House version of the bill would fund LSC at \$250 million, \$33 million below the FY 1998 level and \$90 million below the President's request of \$340 million. The House level is 38 percent below the FY 1995 level of \$400 million and calls into question

the Government's commitment to ensure that all Americans have access to the judicial system. In addition, the Supreme Court's recent ruling that interest on lawyer trust accounts cannot be used to generate resources for civil legal services eliminates a funding source that provided LSC programs with more than \$57 million last year. We urge the conferees to fully fund the President's request.

Department of Commerce

Decennial Census. The language in the House bill that would release funds for only the first half of FY 1999 is unacceptable. It is critical that the Congress provide full-year funding for the Decennial Census without any restrictions on the use of statistical sampling. Delays or disruptions would unacceptably complicate the management of this massive operation. We strongly urge the conferees to remove the onerous House language restrictions and provide funding that will allow the Census Bureau to implement its current plan. This plan was developed by statistical experts and is based on recommendations from the National Academy of Sciences, which found that regardless of the resources committed, the methodologies employed in the past could not achieve satisfactory accuracy. The statistical methods incorporated in the Bureau's plan would produce the most accurate census possible and virtually eliminate the large undercounts of minorities, children, and other groups that occurred in the 1990 census.

National Oceanic and Atmospheric Administration. The Administration urges Congress to fully fund priority programs, including: the Clean Water Initiative, including the Coastal Non-point program, to protect coastal communities; the GLOBE program, to promote scientific discovery and student achievement; Endangered Species Act and Magnuson-Stevens Act implementation; the Global Change Program, to understand the implications of extreme weather events such as El Nino; and, the National Weather Service, to improve services that inform communities of severe weather.

The Administration objects to language in the House-passed bill that would impose severe personnel and funding limitations on NOAA's executive direction and central administrative support areas. These restrictions would result in a loss of accountability in the management of NOAA's operations.

The Administration urges the conferees to restore funding necessary to maintain existing contracts, particularly for geostationary spacecraft procurement and polar instrument development. Both the House and Senate bills fail to include adequate funding to fulfill contract obligations for the converged polar satellite program and the recently-awarded geostationary follow-on contract. Renegotiation of these contracts would jeopardize satellite continuity for both civilian and military weather operations and increase costs.

National Institute for Standards and Technology. The Administration is disappointed by reductions to the Advanced Technology Program (ATP), which fosters cutting-edge research. We urge the conferees to provide the President's request for new awards and to drop bill

language placing restrictions on new awards that reduce ATP's ability to manage carryover balances effectively. Also, the Administration is concerned that Congress' exclusion of the requested advance appropriation for the Advanced Measurement Laboratory would increase costs and delay completion of the facility by at least a year.

Statistics Initiatives. The Administration is concerned that both the House and Senate bills do not include adequate funding for high-priority statistical initiatives, particularly the improvement of National Account measures, the Poverty Measure initiative, and the Continuous Measurement program, which will provide annual demographic information on the population and eliminate the need for the "long form" in the 2010 Census.

National Information Infrastructure Program. The Administration urges the conferees to fully fund the President's request for the National Information Infrastructure Grants Program, which provides seed money for innovative projects that deploy, use, and evaluate advanced information technology.

Economic Development Administration (EDA). The Administration is concerned about the funding level for EDA in the Senate-passed bill. EDA assists distressed communities in dealing with the burdens imposed by industry downsizing and international trade agreements and has achieved significant results in creating jobs, leveraging private sector dollars, and increasing local tax bases.

Agricultural Guest Workers

The Administration strongly urges the conferees to delete provisions in the Senate-passed bill that would create a new agricultural guest worker program. We believe that the Agricultural Job Opportunity, Benefits, and Security Act of 1998 is likely to increase illegal immigration to the U.S., reduce job opportunities for legal U.S. farm workers, and depress wages and work standards for U.S. farm workers. These provisions, therefore, are unacceptable. Consistent with the findings and recommendations of two bi-partisan commissions -- the Commission on Immigration Reform and the Commission on Agricultural Workers -- the President opposes a new guest worker program. However, the Administration shares the goal of assuring an adequate, predictable labor supply of farm workers and will work with the Congress to develop reforms to the current program to ensure that it responds to agricultural needs while protecting U.S. farm workers.

Small Business Administration

The Administration strongly objects to the funding levels for Small Business Administration (SBA) disaster loans and operating expenses. We urge the conferees to restore funding so that SBA may continue to provide vital services to the Nation's small business community and assistance to the victims of natural disasters.

The House's funding level for SBA's Salaries and Expenses account regular operating expenses represents a 29-percent reduction from the President's request and includes a requirement that all of the reduction be taken from headquarters functions. This funding level would require a reduction in staff of more than 1,300 staff years through severe reductions-in-force. Not even the elimination of all headquarters employees would satisfy the House Report's requirement that all reductions be taken solely from non-district Offices.

The Senate mark of \$94 million to administer the Disaster Loan Program is a 43-percent reduction from the President's request. Such a drastic reduction in funding to originate and service disaster loans would result in the cessation of loans and services to the victims of natural disasters by the beginning of calendar year 1999.

Equal Employment Opportunity Commission

The Administration strongly urges the conferees to fully fund the President's request of \$279 million for the Equal Employment Opportunity Commission (EEOC), \$18.5 million above the House level and \$25.4 million above the Senate level. The additional resources are essential and would allow EEOC to reduce the backlog of pending complaints and implement much-needed reforms in the way all complaints are managed, including an enhanced alternative dispute resolution program. We look forward to working with the Congress to provide funding for EEOC and other programs included in the President's civil rights enforcement initiative.

Department of Justice

The Administration appreciates the Congress' continued support for law enforcement and other Department of Justice activities. However, as discussed below, we are concerned about Congress' action in a number of areas.

Imposition of State Ethics Rules. The House-passed bill includes unacceptable language that would impose State ethics rules on Federal attorneys and establish an independent board that could fire Federal agents, prosecutors, and civil law enforcement attorneys. These provisions would undermine Federal law enforcement by subjecting Department of Justice attorneys to multiple and inconsistent State rules of conduct, transferring to the States the authority to regulate the conduct of Federal attorneys in the performance of their Federal law enforcement duties. For example, this legislation would hamper investigations of drug operations across State lines as well as other multi-jurisdiction investigations such as the Oklahoma City bombing investigation.

Brady Act Implementation. The Senate bill contains unacceptable language that would undermine implementation of the Brady Act and the National Instant Check System. The Administration urges the conferees to reject this language and to continue to work with the Administration to keep guns out of the hands of criminals, the mentally unstable, and other prohibited purchasers.

Immigration and Naturalization Service Examination and User Fees. The Senate bill inappropriately diverts \$166 million in receipts from the Immigration and Naturalization Service's (INS's) Immigration Examination and User Fee accounts for expenses not directly related to the immigration services for which they are assessed. In addition, the Department of Justice has forwarded a reprogramming action for \$171 million to address a funding shortfall in the Examination Fee account and provide necessary resources to reduce the citizenship application backlog and implement management reforms. The Senate recommendation would exacerbate this funding shortfall. The Administration urges the conferees to ensure that immigration fees are used to reduce the backlog of pending citizenship applications, as well as to approve the reprogramming of departmental resources for naturalization process reengineering and application backlog reduction.

Winstar. The Justice Department critically needs resources to fund the Winstar litigation, in which the Department is defending against \$20 to \$30 billion in claims against the Government. The Administration appreciates the Senate's willingness to fund Winstar, but opposes the Senate's approach to funding for Winstar, which would require substantial reductions to the litigating divisions' other activities, including Civil Rights, Civil, Criminal, and other legal divisions.

Title V -- At-Risk Children's Grant Program. The Administration urges the conferees to provide the \$95 million requested for the At-Risk children's proposal. The At-Risk proposal supports community programs that prevent young people from becoming involved in the criminal justice system, including mentoring, truancy prevention, and gang intervention.

Drug Testing and Intervention. The Administration urges the conferees to provide the \$85 million requested for the drug testing and intervention program. Systematic drug testing is a proven, cost-effective means of using the coercive power of the criminal justice system to move non-violent offenders into drug treatment programs.

Protection Against Chemical and Biological Weapons. We appreciate the Congress' support of the Administration's efforts to combat terrorism, particularly the use of chemical and biological weapons. However, we encourage the conferees to fully fund all of the items requested by the Administration, and, in particular, detection equipment for State and local bomb squads.

Protection Against Attacks on Critical Infrastructure. The Administration urges the conferees to provide the full \$34 million requested for expenses related to protection of the Nation's critical infrastructure, including funding for potential transfer to the Department of Commerce's Critical Infrastructure Assurance Office and for the FBI's National Infrastructure Protection Center. Failure to provide requested funding for these initiatives would endanger the Government's efforts to fight cybercrime.

Indian Country. While the Senate mark for Indian Country criminal justice assistance is preferable to the House level, we urge the conferees to fully fund the Administration's request, including FBI and U.S. Attorneys resources. This initiative seeks to provide much-needed funds to address a serious public safety crisis.

International Affairs Programs

On September 22nd, the President transmitted an FY 1998 emergency supplemental funding request to address urgent needs relating to the terrorist bombings of the U.S. embassies in Nairobi, Kenya and Dar Es Salaam, Tanzania. In consultation with Congress, the Administration has prepared this request and looks forward to working with Congress to enact this proposal as quickly as possible. We are encouraged by the strong bipartisan support and commitment to protect U.S. citizens and U.S. interests around the world including our overseas official presence. In this regard, the Administration urges support for the FY 1999 request for various operating accounts, which are needed in addition to the Emergency Supplemental to support our overseas presence and provide the annual funds for security programs and other activities.

State Department Operations. The Administration appreciates the Congress' support for the Department of State's Diplomatic and Consular Programs and Salaries and Expenses accounts. However, both versions of the bill include reductions to, or unrequested earmarks in, these accounts totaling over \$30 million. Such reductions would prevent the Department from meeting expected wage and price increases, covering critical overseas staffing gaps, and addressing other infrastructure shortfalls. Further, the exclusion of \$38 million from the House-passed bill for information technology improvements in the Capital Investment Fund would jeopardize the Department's effort to achieve Y2K compliance. In addition, the administration supports the Senate's permanent extension of the Machine Readable Visa authority and opposes the cap on this authority in the House-passed bill. The House version would limit the Department's ability to execute the President's Border Security Program.

International Organizations and Peacekeeping. The Administration is concerned that funding reductions and earmarks, especially in the Senate version, for the Contributions to International Organizations (CIO) and Contributions for International Peacekeeping Activities (CIPA) accounts would increase arrears and impair the ability of the United States to address foreign policy interests through the mechanism of U.N. peacekeeping. Given uncertainties in the Balkan region and elsewhere, the Administration urges that the CIPA request level be provided. **The Administration is also concerned that the CIO account be crafted in a manner that allows sufficient payments to be made to the United Nations before December 31st in order to avoid a loss of vote by the United States in the U.N. General Assembly.**

The Administration appreciates the steps the Congress has taken to fund the request for arrearage payments this year. We want to work with the Congress to ensure that these funds are available in a timely fashion to retain our influence in these organizations and to identify reform

measures that further U.S. interests. However, we strongly oppose the authorization requirement in both versions of the bill that is intended to subject this important foreign policy measure to the unrelated issue of family planning policy.

The Administration strongly believes that activities relating to the Comprehensive Nuclear Test Ban Treaty should be funded at the \$29 million level, as requested in the Nonproliferation, Anti-terrorism, Demining, and Related Programs account. We oppose the House-passed bill's proposal to provide up to \$15 million for these needs by transfer from the CIO account without any increase in funding.

United States Information Agency. The Administration is very concerned about reductions to the United States Information Agency (USIA), which both the House and Senate fund below the President's request, by \$30 million and \$68 million, respectively. Given that the USIA request is virtually at the FY 1998 level, any reductions would hurt core public diplomacy activities, Year 2000 compliance, critical broadcasting activities, including broadcasting to Africa, and important grant programs. The Senate-passed version of the bill is particularly problematic because it severely underfunds international information programs by \$35 million (most of which is due to the bill's omission of funding for overseas administrative costs) and broadcasting programs by \$46 million. For broadcasting, the reduction would require a personnel reduction-in-force, eliminate broadcast language services, and defer necessary capital and technical radio modernization improvements.

Jerusalem. The Administration strongly objects to provisions in the Senate bill concerning Jerusalem that would intrude impermissibly upon the President's constitutional authority to conduct diplomacy and determine recognition and would undermine ongoing efforts to promote a peaceful resolution of the Arab-Israeli conflict.

Anti-Ballistic Missile Treaty. The Administration strongly opposes the House provision that seeks to curtail funding for U.S. participation in the Anti-Ballistic Missile Treaty's Standing Consultative Commission (SCC). The Administration has made clear that the 1997 Memorandum of Understanding (MOU) referred to in the House language will be sent to the Senate for advice and consent as soon as Russia ratifies START II; while we will continue to meet with other states in the SCC to discuss Treaty-related issues, the MOU will not be implemented without Senate approval. (Twice-yearly meetings of the SCC are required under the Treaty, which was ratified by the Senate in 1972 by a vote of 96 to 3. The SCC deals with Treaty related issues and works to resolve disputes and ensure compliance.)

Property Claims. The Administration strongly opposes language in the House-passed bill that would prevent intervention by the Justice Department and other agencies in certain U.S. court proceedings to seize property of foreign governments designated as state sponsors of terrorism. Such a measure likely would result in seizures of property in direct violation of U.S. statutory and treaty law and in giving priority to certain U.S. claimants over long-standing, legitimate claims by other U.S. citizens. It could also lead to costs incurred by the United States

in the event of judgments for foreign governments, retaliation against U.S. diplomatic properties abroad, and seizure of property where the United States is claiming an interest in actual ownership of the property. Moreover, this provision would undermine the Administration's ability to protect the interests of the United States in U.S. courts.

International Emergency Economic Powers Act. The Administration opposes language in the Senate-passed bill that would limit the President's ability to impose sanctions under the International Emergency Economic Powers Act. The provision would interfere with the President's authority to target sanctions in specific situations, restricting an important foreign policy tool.

Vietnam and Haiti. The Administration is concerned that language in both versions of the bill regarding Vietnam would unconstitutionally constrain the President's authority with respect to the conduct of diplomacy. In addition, language in the Senate-passed bill regarding Haiti purports, in some circumstances, to limit the President's unfettered constitutional authority to "receive ambassadors and other public ministers."

Federal Communications Commission

The Administration is concerned that both versions of the bill exclude funding for the Federal Communications Commission's (FCC's) scheduled move to the Portals complex, and that the House bill provides none of the FCC's requested increases. Denial of funding for Portals would impair the FCC's ability to implement the mandates of the Telecommunications Act of 1996 and carry out critical mission operations. The House's overall level could require an agency-wide furlough or reduction-in-force.

Internet Regulation

The Administration strongly supports the objectives of provisions in the Senate-passed bill regarding Internet regulation. However, the Administration has concerns about the provisions as currently drafted and urges the conferees to delete them. Instead, we look forward to working with Congress to develop legislation that will address our mutual goals through the authorization process. Specifically, the Administration supports legislation that would require every school and library using the e-rate to certify that it has developed a plan to protect its schoolchildren from inappropriate content. Such legislation cannot follow a "one-size-fits-all" approach that could interfere with local judgments about how to best address the problem. In addition, while we share the important goal of empowering parents and teachers to protect minors from harmful material that is distributed commercially over the World Wide Web, imposing Federal criminal penalties for such distribution is inadvisable at this time. Such a new criminal statute could divert investigative and prosecutorial resources from combating hard core traffickers in child pornography. Moreover, because such a provision could be subject to serious constitutional challenge, it is important to carefully address the constitutional questions before

enacting any Internet content regulation. Given the progress that the private sector has made and is continuing to make in empowering parents and teachers to protect minors from harmful material, there is no need to rush an appropriations rider now without due consideration of these issues.

Year 2000 Computer Conversion

In the FY 1999 Budget, the President requested more than \$1 billion for Year 2000 (Y2K) computer conversion. In addition, the budget anticipated that additional requirements would emerge over the course of the year and included an allowance for emergencies and other unanticipated needs. On September 2nd, the President transmitted to the Congress a request for \$3.25 billion in FY 1998 contingent emergency funding for Y2K computer conversion activities. This supplemental request would create a funding mechanism that is consistent with both the needs anticipated in the President's budget and the Senate's action creating a \$3.25 billion contingent emergency reserve to provide the resources and the flexibility necessary to respond to critical unanticipated Y2K-related requirements. It is essential to make Y2K funding available quickly and flexibly. Efforts to defer action on the emergency fund in the Treasury and General Government appropriations bill are very troubling, particularly in light of the fact that several appropriations bills -- including the House version of Commerce, Justice, State -- do not include funding for base Y2K requests.

Additional Administration concerns are contained in the enclosure. We look forward to working with the conferees to address our mutual concerns.

Sincerely,

Jacob J. Lew
Director

Identical Letter Sent to The Honorable Bob Livingston,
The Honorable David R. Obey, The Honorable Harold Rogers,
The Honorable Alan Mollohan, The Honorable Ted Stevens,
The Honorable Robert C. Byrd, The Honorable Judd Gregg,
and The Honorable Ernest F. Hollings

ADDITIONAL CONCERNS
H.R. 4276 -- DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1999

(AS PASSED BY THE HOUSE AND BY THE SENATE)

Department of Commerce

- Minority Business Development Agency. Management reforms at the Minority Business Development Agency (MBDA) have improved delivery of programs and technical assistance, and MBDA has emerged as a stronger, more focused agency. The Administration objects to the reduction to MBDA's base made by both the House and the Senate and requests restoration of \$2.8 million.

Department of Justice

- Bureau of Prisons/Abortion. The Administration urges the conferees to strike language that would prohibit the Bureau of Prisons from funding abortions except in cases of rape or where the life of the mother is endangered.
- Juvenile Justice Block Grant. The Administration is concerned that the Juvenile Justice Block Grant program, funded at \$250 million in the House-passed bill and \$100 million in the Senate-passed bill, may authorize a broad and unfocused range of spending. We urge the Congress to provide funding for more targeted activities, including direct funds for local prosecutors to address juvenile and quality of life crimes.
- Narrowband Communications. The Administration is disappointed that neither version of the bill would provide the \$86 million requested to establish a fund for the consolidation and coordination of the Department's conversion to narrowband communications systems. We urge the conferees to establish such a fund and to restore the \$24 million in base resources.
- **Federal Bureau of Investigation.** The Administration asks that the conferees provide the \$50 million requested for the FBI's Information Sharing Initiative (ISI). The House level, \$20 million below the request, would prevent the FBI from improving its electronic case file information, thereby increasing the effectiveness and efficiency of the FBI's investigations. Furthermore, the House reporting requirement on ISI would impede the FBI's ongoing efforts to provide critical

information technology infrastructure support using existing resources.

- **INS Border Management Strategy.** The Administration appreciates Congress' support for the Administration's border control initiative. However, both the House and Senate marks are insufficient to support our comprehensive, bipartisan border management and enforcement strategy. We urge the conferees to fully fund the President's request for the border infrastructure and technology, detention support, and interior enforcement initiatives.
- **Counterdrug Strategy.** The Administration strongly opposes Senate Report language that would direct the Attorney General to create a new interagency counterdrug strategy. The Director of National Drug Control Policy is mandated by statute to perform this function; it should not be transferred to the Attorney General. However, we understand from a colloquy on the Senate floor that the intent of this language is to encourage the Justice Department to work closely with ONDCP on implementing the National Drug Control Strategy and ONDCP's Performance Measures of Effectiveness. The Report language should be dropped or clarified consistent with the colloquy.
- **Controlled Substances Act.** The Administration has serious concerns about sections 118 and 119 of the Senate-passed bill, which would weaken the Drug Enforcement Administration's authority to regulate the flow of drugs classified as controlled substances. The provisions would allow relief for recordkeeping and reporting violations. Careless, negligent, or unknowing violations, which are properly subject to misdemeanor penalties under current law, create an opportunity to divert drugs to illicit channels just as do knowing or intentional violations.
- **Antitrust Division.** The Administration opposes the Senate-passed bill's provision prohibiting Antitrust Division personnel from traveling abroad to encourage a foreign country to take an antitrust action. This provision would infringe upon the President's constitutional authority to conduct the foreign relations of the United States.
- **Resources for Combating Terrorism.** Section 117 of the Senate bill sets forth requirements for reporting resources devoted to combating terrorism. The Administration is pleased to provide data on these very important efforts. However, the bill proscribes a format and detail that will be difficult and burdensome to provide. In addition, there are other statutory requirements for reporting resources devoted to combating terrorism. Flexibility is essential in order to develop a meaningful report that can satisfy multiple requirements.

Nursing Relief for Disadvantaged Areas

- The Administration opposes the Nursing Relief for Disadvantaged Areas Act of 1998, which has been included in the Senate-passed bill. This legislation is unnecessary, since

no national nursing shortage exists; it duplicates currently authorized employment visa programs; and, it fails to provide adequate protections for U.S. workers. We urge the conferees to drop this objectionable provision.

Environmental Riders

- The Administration objects to a provision of section 619 of the Senate bill that would require certain Exxon Valdez settlement funds to be spent only for grants for marine research and community and economic restoration. This language is contrary to the Clean Water Act and a court-ordered consent decree that require that the State and Federal natural resource trustees determine how these funds should best be used. In addition, section 208 of the Senate bill would create an executive committee within the North Pacific Research Board. The Board does not include a representative from the Department of the Interior. The Administration believes that the Department should be a member of the executive committee because of its major program responsibilities within the State of Alaska.

Department of State

- **Emergencies in the Diplomatic and Consular Service. The Administration prefers the House version of the Emergencies in the Diplomatic and Consular Service and Representation Allowances accounts over the Senate version, which would transfer funds from the Emergencies account into the Representation Allowances account.**
- Personnel Details. The Administration opposes language in the Senate report purporting to limit the detail of personnel by the Department of State. These details serve a variety of interests, including obtaining information on threats to U.S. missions abroad, recruiting of talented persons to the Foreign Service, and providing expertise to other agencies and offices in the U.S. Government that address foreign policy matters.
- U.N. Budget Certification. The Administration opposes the House version's semi-annual U.N. budget certification, which withholds \$100 million of the \$297 million payment to the U.N. which is funded in the CIO account. The withholding requirement is excessive and it exacerbates our funding problems with the U.N. The provision also ignores extraordinary requirements and is inconsistent with the U.N. budget process.
- **Certification on International Organizations. The Administration opposes the certification process contained in the Senate report regarding the overhead costs of international organizations. The most critical work of many of these organizations is to support meetings of technical and policy experts from member states. This certification process could have the effect of creating additional arrears and detracting from the ability of the United States to achieve meaningful reforms. The Administration would consider an annual certification patterned after that**

contained in H.R. 1757.

Office of the United States Trade Representative

- The Administration urges the conferees to provide the Senate level -- full funding of the President's request -- for the Office of the United States Trade Representative (USTR) and to restore bill language giving USTR no-year funding availability for up to \$2.5 million of the appropriation. In addition, we request that the conferees and strike the Senate provision directing four USTR employees to study the Canadian Wheat Board.

Other International Programs

- The Administration urges the conferees to provide the Senate-passed level for the Arms Control and Disarmament Agency and is concerned about potential reductions for the Asia Foundation, the American Institute in Taiwan, and the International Commissions. Such reductions would place a disproportionate burden on the operating budgets of these small agencies.

The Honorable David R. Obey
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Obey:

The Honorable Harold Rogers
Chairman
Subcommittee on Commerce, Justice,
State, and Judiciary Appropriations
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Honorable Alan Mollohan
Subcommittee on Commerce, Justice,
State, and Judiciary Appropriations
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Mollohan:

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

Dear Mr. Chairman:

The Honorable Robert C. Byrd
Committee on Appropriations

United States Senate
Washington, D.C. 20510

Dear Senator Byrd:

The Honorable Judd Gregg
Chairman
Subcommittee on Commerce, Justice,
State, and Judiciary Appropriations
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Honorable Ernest F. Hollings
Subcommittee on Commerce, Justice,
State, and Judiciary Appropriations
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Senator Hollings:

The Honorable Bob Livingston
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on H.R. 4193 and S. 2237, the Department of the Interior and Related Agencies Appropriations Bill, FY 1999, as passed by the House and as reported by the Senate Appropriations Committee, respectively. As the conferees develop a final version of the bill, your consideration of the Administration's views would be appreciated. Due to inadequate funding levels for priority programs and at least 30 objectionable language riders, discussed below, the President's senior advisers would recommend that he veto the bill if it were presented to him as approved by the House and as reported by the Senate Committee.

The Administration appreciates efforts by the House and Senate to accommodate certain of the President's priorities within the 302(b) allocation. However, the allocation is simply insufficient to make the necessary investments in programs funded by this bill. The only way to achieve the appropriate investment level is to **offset discretionary spending by using savings in other areas.**

The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by making savings in mandatory and other programs available to help finance this spending. In the Transportation Equity Act, Congress -- on a broad, bipartisan basis -- took similar action in approving funding for surface transportation programs together with mandatory offsets. In addition, this year, as in the past, such mandatory offsets have been approved by the House and Senate in other appropriations bills. The Administration urges the conferees to consider such mandatory proposals for other priority discretionary programs, including those funded through this bill.

The Administration's specific concerns with funding and language provisions of the House-passed and Senate Committee-reported bills are discussed below. The Administration recognizes that negotiations are ongoing, and that some of these issues may be resolved prior to conference.

Departments of the Interior and Agriculture

The Administration strongly objects to inadequate funding provided by the House-passed and Senate Committee bills for high priority programs within these two departments, including:

- **Everglades restoration and other land acquisition funding from the Land and Water Conservation Fund;**
- **the Clean Water Action Plan to clean up America's ground and surface waterways;**
- **the Disaster Information Network providing enhanced data to protect Americans and reduce economic loss;**
- **BIA education operations and school construction, the Indian Country law enforcement initiative, and the land consolidation pilot project;**
- **Indian Trust System reforms under BIA and the Office of Special Trustee;**
- **the Endangered Species Programs, including landowner incentive grants;**
- **key Forest Service natural resource protection, road maintenance, and general administration programs, while increasing the timber program by \$12 million in the House-passed bill and \$20 million in the Senate Committee bill; and,**
- **finally, specific earmarks for many unrequested construction and land projects that would limit the land management agencies' ability to allocate funds for high priority needs.**

The Administration urges the conferees to report a clean bill that does not attempt to roll back environmental protections and circumvent the public hearing process by attaching riders to appropriation bills. Unfortunately, the House-passed bill and Senate Committee bill contain at least 30 objectionable riders, 28 in bill language and two in report language. The Administration strongly objects to such language, including provisions in both bills that would:

- **unwisely terminate the Interior Columbia Basin Ecosystem Management Project covering parts of six Northwest States;**
- **transfer the jurisdiction over the valued Land Between The Lakes National Recreation Area from the Tennessee Valley Authority, where it has been successfully managed for over 35 years, to the U.S. Forest Service, a disruptive change that would involve additional transition costs without**

improving service; and,

- establish specific terms and conditions for the abolishment of purchaser road credits, including the requirement to calculate payments to States based on the value of the road.

The Administration strongly objects to provisions of the House-passed bill that would:

- remove 75 acres in Florida from the coastal barrier protection system, providing taxpayer subsidies for private development of environmentally fragile barrier islands;
- impose a road easement across the Chugach National Forest in Alaska that is inconsistent with the 1982 agreement reached between the Government and the Chugach Alaska Corporation, thereby preventing the Government from making modifications to protect the environment while authorizing environmentally damaging management practices and undermining an ongoing discussion to determine road access options based on the latest survey and environmental analysis;
- shift \$67 million from the General Administration to Wildland fire suppression operations;
- prohibit improvements -- even planning or design of improvements -- to Pennsylvania Avenue in front of the White House; and,
- prevent the BIA and the Indian Health Service from entering into any new or expanded self-determination ("638") contracts or self-governance compacts with tribes, contrary to our government-to-government policy.

The Administration commends the Senate for addressing many of the problems with section 129 concerning Tribal Priority Allocations but strongly objects to provisions of the Senate Committee bill that would:

- establish an unprecedented easement for the community of King Cove for a road and utilities across a wilderness area in Alaska in the Izembek National Wildlife Refuge;
- mandate a high timber offer level on the Tongass National Forest in Alaska, regardless of environmental impacts, other resource priorities, and the ongoing public process for finalizing the Tongass Forest Plan;
- **continue to delay rules that would establish the fair market value for Federal and Indian oil leases, costing the Treasury \$64 million a year in underpaid royalties;**

- **delay implementation of needed regulatory improvements of hardrock mining on public lands to protect the environment and the Federal treasury;**
- **amend an authorizing statute, the 1992 Elwha Act, to change significantly the congressionally approved plan for restoring Elwha River and Olympic National park and leave the National Park Service owning two non-compliant dams without the funds to remove them;**
- **hinder efforts to restore endangered and threatened Pacific salmon runs in the Columbia and Snake Rivers;**
- **require the Forest Service to maximize commercial wood harvesting before the agency conducts prescribed burning projects, effectively stopping most prescribed burns and endangering lives and property;**
- **prohibit Grizzly Bear reintroduction into the Selway-Bitterroot area of Idaho and Montana;**
- **prohibit the Secretary from promulgating and implementing regulations to provide procedures for class III casino operations on Indian lands and also prohibit the initiation of any new rule making (Senate floor amendment 3592);**
- **amend, in two different provisions, the National Forest Management Act, to prohibit forest plan revisions, thus requiring continued use of inadequate and dated forest plans -- even beyond their statutory 15 year lifespan;**
- **prohibit Park Service regulation of commercial fishing in Glacier Bay National Park in Alaska;**
- **place unnecessary limits on Federal land acquisitions in Alaska;**
- **prevent the Forest Service from charging fair market value for summer vacation homes in an Idaho national forest, undermining the current effort to reappraise all such leases nationwide;**
- **require the Forest Service to trade timber in return for restoration practices;**
- **require unauthorized four-wheel-drive roads to be obliterated before any other type of road can be decommissioned, virtually preventing work on regular roads that pose serious environmental and safety risks;**

- **waive environmental laws and automatically extend the term of grazing leases that are undergoing review by the Bureau of Land Management even though authority already exists to protect lease holders from termination of leases undergoing review;**
- **undermine the CFO Act and the responsibilities of USDA top management by encouraging the Forest Service to select and implement a financial computer system that is independent of the Department of Agriculture;**
- **force the Forest Service to sell all Alaskan timber sales using an outdated, impracticable appraisal method that undermines the public return on national forest management; and,**
- **prohibit the Department of the Interior from using FY 1999 funds to transfer land into trust status in Minnesota, setting a precedent for limitations on trust land acquisition.**

In addition, the Senate Committee Report includes objectionable language, including language that would:

- **require timber sale offers from national forests to be 3.8 billion board feet rather than the 3.4 billion board feet assumed in the FY 1999 Budget; and,**
- **direct the National Park Service to maintain aviation access to a gravel airstrip within the Denali National Park, effectively overturning a 1997 Environmental Impact Statement calling for eventually closing the airstrip and relying on a paved airstrip 10 miles away.**

Land and Water Conservation Fund

The House-passed and Senate Committee bills have underfunded land acquisitions to protect our national parks, forests, refuges, and public lands. The House-passed bill provides only \$139 million of the \$270 million requested, with Everglades land acquisition funds cut by half. The Senate Committee has provided \$233 million of the \$270 million requested. This reduction in funding would prevent the Administration from making significant land acquisitions such as Cumberland Island National Seashore in Georgia and West Eugene Wetland in Oregon. The Administration urges the conferees to provide full funding of this important priority.

The Administration objects to the House and Senate Appropriations Committees' continued inaction in not yet approving the release of a substantial portion of the FY 1998 Title V priority land acquisition funds. We would like to work with you to resolve this expeditiously.

Millennium Program

The Administration is concerned that the House-passed bill does not provide any of the \$50 million requested for the Millennium Program. The Administration appreciates very much the \$13 million provided by the Senate Committee to the National Park Service and the Smithsonian Institution for Millennium Program projects. We strongly urge the Senate to provide full funding with maximum flexibility and discretion for allocation in order to preserve other important cultural and historic treasures for the next millennium that are in danger of deteriorating beyond repair. Many of these projects are time-sensitive and cannot be delayed.

Department of Energy

The Administration objects to cuts to the request for Energy Conservation made by the House and by the Senate Committee -- \$177 million and \$162 million, respectively. These cuts would be damaging to progress in partnerships with industry on improved industrial energy efficiency, development of more efficient autos and trucks, and designs and materials for more efficient buildings.

The President's budget requests \$36 million for payment to the State of California for the Retired Teachers System associated with the sale of Elk Hills, which is not included in either the House or Senate bill. The Administration prefers that this payment be appropriated consistent with the FY 1996 Defense Authorization Act (P.L. 104-106).

The Administration would like to work with the conferees to restore funding to these important Department of Energy programs.

Indian Health Service

The Administration is concerned that the House-passed and Senate Committee bills do not include funding for many requested programs. In particular, neither the House nor Senate Committee bills include the \$4 million increase requested for an alcohol and substance abuse initiative, nor a \$10 million increase requested as a part of an HHS-wide effort to reduce health disparities in minority populations. In addition, the Senate Committee bill does not include the funding increase requested for first-year construction of the Fort Defiance Health Facility. We urge the conferees to provide the request levels for these activities.

The Administration strongly objects to the House and Senate's inclusion of authorizing language, without hearings or tribal consultation, that requires contract support costs to be distributed to tribes on a pro-rata (proportional) basis.

Cultural Agencies

The Administration appreciates the House and Senate's support for the National Endowment for the Arts (NEA). We urge the conferees to provide funding for NEA and the National Endowment for the Humanities at the President's requested level of \$136 million each and for the Institute for Museum and Library Services at the requested level of \$26 million.

Likewise, the Administration appreciates the House and Senate's support for the other cultural agencies funded by this bill, including the full request for the National Gallery of Art. However, the Administration urges the conferees to fully fund the John F. Kennedy Center for the Performing Arts and the Smithsonian's National Museum of the American Indian. The Administration also urges the conferees to provide the full \$40 million request for repair and restoration in the Smithsonian Institution and the requested funding for digitization of the Smithsonian collections.

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

Sincerely,

Jacob J. Lew
Director

Identical Letter Sent to The Honorable Bob Livingston,
The Honorable David R. Obey, The Honorable Ralph Regula,
The Honorable Sidney R. Yates, The Honorable Ted Stevens,
The Honorable Robert C. Byrd, and The Honorable Slade Gorton

The Honorable David R. Obey
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Obey:

The Honorable Ralph Regula
Chairman
Subcommittee on Interior and
Related Agencies Appropriations
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Honorable Sidney R. Yates
Subcommittee on Interior and
Related Agencies Appropriations
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Yates:

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

Dear Mr. Chairman:

The Honorable Robert C. Byrd
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Senator Byrd:

The Honorable Slade Gorton
Chairman
Subcommittee on Interior and
Related Agencies Appropriations
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Honorable Bob Livingston
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on H.R 4380 and S. 2333, the District of Columbia Appropriations Bill, FY 1999, as passed by the House and as reported by the Senate Appropriations Committee, respectively. As the conferees develop a final version of the bill, your consideration of the Administration's views would be appreciated.

The Administration commends the Senate for producing a bill that is consistent with the goals of the National Capital Revitalization and Self-Government Improvement Act of 1997 and that is free of extraneous micromanagement provisions that would impose the will of Congress on the Government of the District of Columbia. Regrettably, the House-passed bill contains numerous instances of congressional micromanagement, provides insufficient funding for the D.C. economic development initiative, and includes three highly objectionable provisions. We urge the conferees to adopt a bill that addresses these concerns.

Objectionable Provisions

The House-passed bill contains three provisions that would seriously undermine local control. If these provisions were included in the bill presented to the President, his senior advisers would recommend that the President veto the bill. These unacceptable provisions are:

- A provision to provide for the use of private school vouchers in the District. The Administration would strongly oppose any legislation allowing the use of Federal taxpayer funds for private school vouchers. Instead of investing additional resources in public schools, vouchers would allow a few selected students to attend private schools and would draw resources and attention away from the hard work of reforming public schools that serve the overwhelming majority of D.C. students. Establishing a private school voucher system in the Nation's Capital would set a dangerous precedent for using Federal taxpayer funds for schools that are not accountable to the public.
- A provision that would prohibit adoptions in the District by couples that are unmarried or not related by blood. The Administration supports section 149 of the Senate Committee bill, The District of Columbia Adoption Improvement Act of 1998. This legislation would provide much needed administrative and management reforms in the D.C. Child

and Family Services Agency, including requiring Family Services to contract with private service providers to perform adoption and recruitment services and eliminating all administrative barriers to adoption.

- A provision that would prohibit the use of Federal and local funds for needle exchange programs and would prohibit private agencies from supporting needle exchange programs if they receive Federal or local funds (even if the funds used for the needle exchange programs are their own).

Economic Development Initiative

The House-passed bill does not contain funding for critically needed management reforms or funding to capitalize the locally-chartered National Capital Revitalization Corporation (NCRC). The Senate Committee bill provides \$500,000 to conduct a study and prepare a report on the feasibility of an economic development corporation in the District and \$25 million in support of management reforms. Like the House, the Senate has not provided any of the \$50 million requested in the FY 1999 Budget to capitalize the NCRC. The Administration believes that an independent economic development corporation is essential in order to ensure effective management coordination and oversight of projects in the District. Further, we believe that it is critical to the District's economic future to capitalize the NCRC in FY 1999. The Administration strongly urges the conferees to allocate additional resources for economic development.

D.C. Charter Schools

The Administration appreciates the House's full support of charter schools and public schools in the District and supports the appropriation of \$32.6 million for D.C. charter schools. We are concerned that the Senate Committee bill does not provide sufficient funding to support educational services for all the students who wish to attend charter schools and other public schools in the District of Columbia. We look forward to working with the conferees and with D.C. Public Schools to ensure that there are adequate resources to allow all eligible charter schools and their students to receive sufficient funding.

Abortion

The Administration strongly opposes the language included in both the House-passed and Senate Committee-reported bills that would prohibit the use of Federal and local funds to pay for abortions in the District except in those cases where the life of the mother is endangered or in situations involving rape or incest. The Administration continues to view the prohibition on the use of local funds as an unwarranted intrusion into the affairs of the District and would support striking this provision.

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

Sincerely,

Jacob J. Lew
Director

Identical Letter Sent to The Honorable Bob Livingston,
The Honorable David R. Obey, The Honorable Charles H. Taylor,
The Honorable James P. Moran, The Honorable Ted Stevens,
The Honorable Robert C. Byrd, The Honorable Lauch Faircloth,
and The Honorable Barbara Boxer

The Honorable David R. Obey
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Obey:

The Honorable Charles H. Taylor
Chairman
Subcommittee on District
of Columbia Appropriations
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Honorable James P. Moran
Subcommittee on District
of Columbia Appropriations
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Moran:

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

Dear Mr. Chairman:

The Honorable Robert C. Byrd
Committee on Appropriations
United States Senate

Washington, D.C. 20510

Dêar Senator Byrd:

The Honorable Lauch Faircloth
Chairman
Subcommittee on District
of Columbia Appropriations
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Honorable Barbara Boxer
Subcommittee on District
of Columbia Appropriations
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Senator Boxer:

September 26, 1998

MEMORANDUM FOR THE PRESIDENT AND VICE PRESIDENT

FROM: Bruce Reed
Elena Kagan

SUBJECT: Federal Tobacco Claims

Over the last few months, we and Bruce Lindsey have had many conversations with Department of Justice attorneys regarding the feasibility of bringing suit against the tobacco companies for Medicare and other losses stemming from the use of tobacco products. We also have asked DOJ lawyers to consult with a number of law professors and trial attorneys who have considered the viability of a lawsuit.

The Department now has concluded that it should not bring suit against the companies. Almost everyone at DOJ agrees that such a suit could be brought consistent with Rule 11 (*i.e.*, with minimum professional standards). Most DOJ lawyers also acknowledge that given the size of the claim and other factors, the companies might well choose to settle the suit (as they are settling state claims) for a substantial sum of money plus public health concessions. DOJ attorneys believe, however, that they should not bring suit unless they would stand a reasonable prospect of actually winning the suit at trial and on appeal (*i.e.*, putting aside all settlement possibilities). The attorneys have concluded that under existing law governing Medicare and other potential federal claims, they cannot meet this standard. The lawyers principally argue that current law precludes the federal government from aggregating (*i.e.*, bringing in a single suit) claims for each Medicare beneficiary's tobacco-related health care costs.

At the same time, most DOJ attorneys appear amenable to settling federal claims against the tobacco companies without bringing a prior lawsuit. (The lawyers reason that although they cannot bring suit against the companies for want of an effective aggregation device, they do in fact have millions of individual claims against the companies, which they could settle all at once.) Under this approach, the government would enter into negotiations with the tobacco companies to resolve potential federal claims; if an agreement were reached, the parties would file in court a settlement agreement and proposed consent decree, which would release federal claims against the tobacco companies in exchange for some combination of monetary damages and injunctive relief. No legislation would be necessary.

We have some reason to believe that the companies -- at least Philip Morris and Lorillard -- would have an interest in entering into this kind of negotiation in the wake of a settlement with the states (which, as you know, is rumored to be in the offing). The principal outside counsel for Philip Morris (Meyer Koplow) recently suggested to Elena that his client wants to resolve all

government claims against it, including potential claims by the federal government. He implied that a potential settlement agreement could include money, FDA jurisdiction, and marketing restrictions.

The prospects of actually reaching a good agreement with the companies are uncertain. We know that the companies want to rid themselves of potential government litigation, primarily so they can spin off non-tobacco assets. But without an actual suit against the companies, we would have relatively little leverage in negotiations. Moreover, we could encounter serious legal difficulties in trying to achieve some of our objectives -- particularly, an assurance of FDA jurisdiction -- through a non-legislated settlement.

We believe the Administration should attempt to engage the companies in such a negotiation, but we wanted your approval first. There is always some risk that Democrats will fret that we are letting the companies off too easily. However, they will be reassured somewhat by the Justice Department's involvement in these negotiations -- and the only relief the companies can get out of these talks is from a suit we have not brought. The advantage of entering into negotiation is that we might be able to get something done on tobacco without Congress -- and if not, we could lay the groundwork for legislative action next year.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-OCT-1998 09:50:43.00

SUBJECT: Education event program order

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

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by Elena Kagan/OPD/EOP on 10/01/98 09:50 AM -----

Stacie Spector
10/01/98 09:28:39 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Education event program order

fyi, this was the outcome. christa was good, she told the real person to be prepared to intro either.

----- Forwarded by Stacie Spector/WHO/EOP on 10/01/98 09:29 AM -----

Stacie Spector
10/01/98 08:50:12 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Patricia M. Ewing/OVP @ OVP
Subject: Education event program order

THE VP WILL introduce the real person. The real person WILL introduce the president. Thanks for everyones help on this.

Message Sent

To: _____
Christa Robinson/OPD/EOP
Laura D. Schwartz/WHO/EOP
Karen Tramontano/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
Stephanie S. Streett/WHO/EOP
Ann F. Lewis/WHO/EOP
Jennifer M. Palmieri/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-OCT-1998 09:50:28.00

SUBJECT: Education event program order

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

TEXT:

thanks for handling this idiocy.

----- Forwarded by Elena Kagan/OPD/EOP on 10/01/98 09:50 AM -----

Stacie Spector
10/01/98 09:28:39 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Education event program order

fyi, this was the outcome. christa was good, she told the real person to be prepared to intro either.
----- Forwarded by Stacie Spector/WHO/EOP on 10/01/98 09:29 AM -----

Stacie Spector
10/01/98 08:50:12 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Patricia M. Ewing/OVP @ OVP
Subject: Education event program order

The VP WILL introduce the real person. The real person WILL introduce the president. Thanks for everyones help on this.

Message Sent

To: _____
Christa Robinson/OPD/EOP
Laura D. Schwartz/WHO/EOP
Karen Tramontano/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
Stephanie S. Streett/WHO/EOP
Ann F. Lewis/WHO/EOP
Jennifer M. Palmieri/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 04:04:13.00

SUBJECT: RECEIVED: DRAFT SENATE TAX SAP (HR 4579)

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
DRAFT SENATE TAX SAP (HR 4579)
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
10/01/98 08:23:25 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 04:04:19.00

SUBJECT: RECEIVED: Draft SAP: H.R. 4578 - Save Social Security Act of 1998

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Draft SAP: H.R. 4578 - Save Social Security Act of 1998

was successfully received by:

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

at:

09/23/98 07:05:39 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 04:04:18.00

SUBJECT: RECEIVED: H.R. 4579 - Taxpayer Relief Act of 1998

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
H.R. 4579 - Taxpayer Relief Act of 1998
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
09/23/98 07:06:25 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 06:06:58.00

SUBJECT: RECEIVED: SAP on Vacancies Reform Act--Comment by 4:30PM TODAY

TO: Stephen G. Elmore (CN=Stephen G. Elmore/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
SAP on Vacancies Reform Act--Comment by 4:30PM TODAY
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
09/23/98 03:20:11 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 04:04:14.00

SUBJECT: RECEIVED: C/J/S; INTERIOR; DC APPROPS LETTERS

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
C/J/S; INTERIOR; DC APPROPS LETTERS
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
09/29/98 08:46:37 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 09:22:30.00

SUBJECT: RECEIVED: URGENT: FOREIGN OPERATIONS CONFEREES LETTER

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
URGENT: FOREIGN OPERATIONS CONFEREES LETTER.
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
10/05/98 09:20:37 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 04:04:12.00

SUBJECT: RECEIVED: H.R. 3789 - Class Action Jurisdiction Act of 1998

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

H.R. 3789 - Class Action Jurisdiction Act of 1998

was successfully received by:

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

at:

10/02/98 09:12:34 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-OCT-1998 13:09:09.00

SUBJECT: Re: civil rights/single sex

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

TEXT:

"solving it" suggests active, purposive activity. we instead applied a strategy of doing nothing and hoping it would go away (on the theory that success was more likely to result from passivity than action). so far, it seems to have worked, but i wouldn't hold your breath.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 04:04:20.00

SUBJECT: RECEIVED: Draft VA/HUD Approps. Conferees Letter

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
Draft VA/HUD Approps. Conferees Letter
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
09/22/98 08:20:38 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 04:04:11.00

SUBJECT: RECEIVED: Draft SAP: H.R. 4570 - Omnibus National Parks and Public Lands Act

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Draft SAP: H.R. 4570 - Omnibus National Parks and Public Lands Act
was successfully received by:

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

at:

10/02/98 11:23:26 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-OCT-1998 16:53:17.00

SUBJECT: Re: State Medicaid/Tobacco Legislation

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

READ:UNKNOWN

TEXT:

We haven't heard much to suggest that any legislation on this subject is moving. If it does, I can't believe that it would include a provision on attorneys' fees. Although some Republicans doubtless would like this, the folks who really want this legislation (i.e., the NGA) know that a provision of this kind would doom the effort. In any event, we understand how much of a problem this would be for you.

Ron Klain @ OVP
10/05/98 04:37:01 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: State Medicaid/Tobacco Legislation

I am starting to get calls from our liberal friends expressing concerns about the Congress waiving the fedl claims to the state settlements. I have pretty much told them to forget it, but there is carping out there.

One point that I cannot easily waive off: fears that the federal release will be "conditioned" on the states agreeing to limit attorneys fees. This would be a political problem for us. Let me know if this is looming.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 04:04:16.00

SUBJECT: RECEIVED: Need clearance: Agriculture Approps. conferees letter

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Need clearance: Agriculture Approps. conferees letter

was successfully received by:

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

at:

09/24/98 07:37:59 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-OCT-1998 16:35:22.00

SUBJECT: State Medicaid/Tobacco Legislation

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

TEXT:

I'm not exactly sure what this means, but how do you think I should reply?
----- Forwarded by Elena Kagan/OPD/EOP on 10/05/98 04:35
PM -----

Ron Klain @ OVP
10/05/98 04:37:01 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: State Medicaid/Tobacco Legislation

I am starting to get calls from our liberal friends expressing concerns about the Congress waiving the fedl claims to the state settlements. I have pretty much told them to forget it, but there is carping out there.

One point that I cannot easily waive off: fears that the federal release will be "conditioned" on the states agreeing to limit attorneys fees. This would be a political problem for us. Let me know if this is looming.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 04:04:17.00

SUBJECT: RECEIVED: S. 2176 - Federal Vacancies Reform Act of 1998

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
S. 2176 - Federal Vacancies Reform Act of 1998
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
09/24/98 07:37:44 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-OCT-1998 04:04:15.00

SUBJECT: RECEIVED: Draft Interior/Ag letter on Omnibus Parks bill

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
Draft Interior/Ag letter on Omnibus Parks bill
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
09/27/98 10:52:46 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-OCT-1998 15:08:25.00

SUBJECT: Re: riders

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

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

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

TEXT:
Do we have any compromise ideas/fallback positions?

Andrea Kane
10/06/98 03:00:45 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP
Subject: riders

Here's section from SAP on the limitation on TANF transfer. It's definitely a bad thing.

"Social Services Block Grant. The Administration opposes a provision that would

restrict State authority to transfer Temporary Assistance to Needy Families (TANF) funds to SSBG in FY 1999 to no more than the amounts transferred by individual States in FY 1998. Enacting such a provision so late in FY 1998 would inequitably limit State flexibility for the future. "

I'm still checking on the WTW obligation period.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-OCT-1998 18:37:04.00

SUBJECT: FYI: INS Restructuring -- Abraham's Staff Contacts Lott's COS

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 10/06/98 06:37
PM -----

Julie A. Fernandes
10/06/98 06:26:37 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP, Elena Kagan/OPD/EOP
cc: Laura Emmett/WHO/EOP, Leslie Bernstein/WHO/EOP, Marjorie Tarmey/WHO/EOP
Subject: FYI: INS Restructuring -- Abraham's Staff Contacts Lott's COS

It appears as if our optimism about INS reform being a dead issue was misplaced. According to OMB and DOJ, Rogers continues to push to get INS reform attached to CJS (or to a CR). Steve M. has asked Justice for their suggested amendments to Rogers's bill that would make it more acceptable to us (in case we need a compromise).

julie

----- Forwarded by Julie A. Fernandes/OPD/EOP on 10/06/98
06:45 PM -----

Steven M. Mertens

10/06/98 04:16:07 PM
Record Type: Record

To: Michael Deich/OMB/EOP, Kenneth L. Schwartz/OMB/EOP, David J. Haun/OMB/EOP, Julie A. Fernandes/OPD/EOP
cc: Theodore Wartell/OMB/EOP, Patricia E. Romani/OMB/EOP
Subject: FYI: INS Restructuring -- Abraham's Staff Contacts Lott's COS

FYI: INS restructuring has been bucked up to a leadership issue. INS talked with Abraham's staff this morning following my call on Rogers continuing attempts to get INS restructuring into CJS. Abraham's staff talked with Lott's COS on this issue and is attempting to get Hatch to call Lott personally.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-OCT-1998 10:30:12.00

SUBJECT: Re: Harris story

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

READ:UNKNOWN

TEXT:

coming up.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-OCT-1998 10:12:57.00

SUBJECT: Re: EMBARGOED TO THE EVENT at 11:15am

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

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 10/07/98 10:11
AM -----

Robert M. Shireman
10/07/98 09:58:51 AM
Record Type: Record

To: Melissa G. Green/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: EMBARGOED TO THE EVENT at 11:15am

Additional materials on each of the five Administration victories in the
Higher Education legislation are attached:

Message Copied

To: _____
Lori L. Anderson/WHO/EOP
Brenda M. Anders/WHO/EOP
Kris M Balderston/WHO/EOP
David S. Beaubaire/WHO/EOP
Marsha E. Berry/WHO/EOP
Erskine B. Bowles/WHO/EOP
Phillip Caplan/WHO/EOP
Cheryl M. Carter/WHO/EOP
Michael Cohen/OPD/EOP
Brenda B. Costello/WHO/EOP
Michelle Crisci/WHO/EOP
Betty W. Currie/WHO/EOP
Michael Deich/OMB/EOP
Rahm I. Emanuel/WHO/EOP
Daniel D. Heath/OMB/EOP
Nancy V. Hernreich/WHO/EOP
Peter G. Jacoby/WHO/EOP
Christopher C. Jennings/OPD/EOP
Elena Kagan/OPD/EOP
Thomas A. Kalil/OPD/EOP
Jonathan A. Kaplan/OPD/EOP
Charles Konigsberg/OMB/EOP
Karin Kullman/WHO/EOP
Jeanne Lambrew/OPD/EOP
Ann F. Lewis/WHO/EOP
Jacob J. Lew/OMB/EOP
Bruce R. Lindsey/WHO/EOP
Julie E. Mason/WHO/EOP
Doris O. Matsui/WHO/EOP
Cathy R. Mays/OPD/EOP

Michael D. McCurry/WHO/EOP
Anne E. McGuire/WHO/EOP
Joseph J. Minarik/OMB/EOP
Linda L. Moore/WHO/EOP
Kevin S. Moran/WHO/EOP
Janet Murguia/WHO/EOP
Alison Muscatine/WHO/EOP
Bob J. Nash/WHO/EOP
John Podesta/WHO/EOP
Bruce N. Reed/OPD/EOP
Christa Robinson/OPD/EOP
Dorothy Robyn/OPD/EOP
Laura D. Schwartz/WHO/EOP
Jake Siewert/OPD/EOP
Douglas B. Sosnik/WHO/EOP
Jordan Tamagni/WHO/EOP
Barry J. Toiv/WHO/EOP
Michael Waldman/WHO/EOP
Paul J. Weinstein Jr./OPD/EOP
Craig T. Smith/WHO/EOP
Sara M. Latham/WHO/EOP
Thomas D. Janenda/WHO/EOP
Charles R. Marr/OPD/EOP
Beverly J. Barnes/WHO/EOP
Barbara D. Woolley/WHO/EOP
Robert B. Johnson/WHO/EOP
Cynthia A. Rice/OPD/EOP
Aviva Steinberg/WHO/EOP
William H. White Jr./WHO/EOP
Lisa J. Levin/WHO/EOP
Lynn G. Cutler/WHO/EOP
Christopher J. Lavery/WHO/EOP
Minyon Moore/WHO/EOP
Karen E. Skelton/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
virginia m. terzano/ovp @ ovp
Mickey Ibarra/WHO/EOP
Virginia N. Rustique/WHO/EOP
Elizabeth R. Newman/WHO/EOP
Emil E. Parker/OPD/EOP
Leanne A. Shimabukuro/OPD/EOP
Robin J. Bachman/WHO/EOP
Michael V. Terrell/CEQ/EOP
Ruby Shamir/WHO/EOP
Neera Tanden/WHO/EOP
Glen M. Weiner/WHO/EOP
andrei h. cherny/ovp @ ovp
Paul E. Begala/WHO/EOP
Roberta W. Greene/WHO/EOP
Noa A. Meyer/WHO/EOP
Laura Emmett/WHO/EOP
Mark D. Neschis/WHO/EOP
William A. Halter/OMB/EOP
Stacie Spector/WHO/EOP
Joshua Gotbaum/OMB/EOP
Brian A. Barreto/OPD/EOP
Barbara Chow/OMB/EOP
Sidney Blumenthal/WHO/EOP
Karen Tramontano/WHO/EOP
Chandler G. Spaulding/WHO/EOP
Andrea Kane/OPD/EOP
Joseph C. Fanaroff/WHO/EOP
Robert L. Nabors/OMB/EOP

HELPING MORE STUDENTS PREPARE FOR COLLEGE THROUGH "GEAR UP"

"I also ask this Congress to support our efforts to enlist colleges and universities to reach out to disadvantaged children starting in the sixth grade so that they can get the guidance and hope they need so they can know that they, too, will be able to go on to college."

--President Clinton, State of the Union address, January 27,

1998

The Higher Education Amendments of 1998 launch GEAR UP, a new national effort to encourage more young people to have high expectations, stay in school and study hard, and go to college.

- High-achieving students from low-income families are five times less likely to attend college than high-achieving students from high-income families [NELS 1998].
- In a recent survey, almost 70% of parents indicated that they have little information or want more information about which courses their child should take to prepare for college, and 89% of parents want more information about how to pay for college, including the use of tax credits [Gallup, Sept. 1998].

The President's High Hopes Proposal. Earlier this year, President Clinton proposed the High Hopes for College initiative to create a national ethic that every college should partner with at least one middle school in a low-income community to help raise expectations and ensure that students are well-prepared for college. In the new HEA law, the High Hopes proposal and the National Early Intervention Scholarship and Partnership (NEISP) program are joined, as two different types of grants, under the new GEAR UP program.

GEAR UP (Gaining Early Awareness and Readiness for Undergraduate Programs). This new competitive grant program, authorized at \$200 million in FY99, supports early intervention and college awareness activities at both the local and the state level. The Senate's FY99 Appropriations bill allocates to GEAR UP \$75 million of the \$140 million the President requested for High Hopes. The House Appropriations bill did not include funding for GEAR UP. The final appropriations legislation is now pending in Congress. GEAR UP funding will be split between Partnership grants and State grants, with at least one-third allocated to each.

GEAR UP Partnership grants. As outlined in the President's High Hopes for College proposal, this initiative will award multi-year grants to locally-designed partnerships between colleges and high-poverty middle schools, plus at least two other partners such as community organizations, businesses, religious groups, state education agencies, parent groups, or non-profits, to increase college-going rates among low-income youth. To be most effective, partnerships will be based on the following proven strategies:

- *Informing students and parents about college options and financial aid*, and every student will receive a 21st Century Scholar Certificate -- an early notification of their eligibility for financial aid;
- *Promoting rigorous academic coursework* based on college entrance requirements;
- *Working with a whole grade-level of students* in order to raise expectations for all students; and
- *Starting early, with 6th or 7th grade students, and continuing through high school graduation* with comprehensive services including mentoring, tutoring, counseling, and other activities such as after school programs, summer academic and enrichment programs, and college visits.

GEAR UP State grants. These grants are based on the current National Early Intervention Scholarship and Partnership (NEISP) program and will be awarded to states to provide scholarships, college information and early intervention activities. State programs will target services to low-income students and will provide college scholarships for participating students. College and community partnerships are not required but are encouraged, and many NEISP programs involve local organizations. Nine states received NEISP grants in FY98, totaling \$3.6 million. These NEISP programs provide a variety of early intervention services and

college awareness activities to students ranging in age from 1st to 12th grade.

We anticipate that GEAR UP grant applications will be available in the beginning of next year. You can send questions or request more information by e-mailing gearup@ed.gov.

EXAMPLES OF MENTORING AND EARLY INTERVENTION PROGRAMS

Many states education agencies, colleges, and secondary schools have had success working together to increase college enrollment rates among low-income students. To this end, the new GEAR UP program will support early intervention initiatives with elements of the successful practices described below.

Early Identification Program (Fairfax, Virginia): George Mason University (GMU) and the Fairfax County Public Schools developed the Early Identification Program (EIP) in 1987 to increase the number of minority students who enter college. Since then, additional school districts and new partners have joined the effort, including Booz Allen and Hamilton, Mobil Corporation, NationsBank and Crestar Bank. The program works with minority students that demonstrate academic potential and provides year-round tutoring, mentoring and other support throughout high school, including weekend and summer academic programs, special projects in math, science, English and computer science, campus visits, and workshops for parents. The program reports that they have graduated 6 classes from high school, and have a 71 percent retention rate. Of those who completed 4 years in EIP, 95 percent go on to college.

Pace Hispanic Outreach Program (White Plains, NY): The program is a unique tutorial initiative for Hispanic immigrant students at the White Plains High School that is run through a collaborative effort involving the White Plains School District, Pace University and Centro Hispano. One-to-one tutorial sessions are held during study hall periods and are designed to complement and reinforce classroom instruction in English, mathematics and social studies. In addition, the program enlists high school counselors to provide weekly clinics to help high school seniors prepare college applications, financial aid forms and essays. Active community support and parental involvement has helped build confidence among participants by reducing the sense of powerlessness that language barriers cause in some Hispanic families.

Passport to College (Riverside, California): At the core of this effort is a partnership between Riverside Community College in California, the local school district, and a number of schools and local businesses, and its purpose is to encourage disadvantaged students to continue on to college. The program works with an entire grade of students, beginning in 5th grade, and follows them through high school graduation. Currently, 11,500 students are participating. Volunteers work with the students, teachers and parents in activities, including: campus tours, classroom presentations, teacher training workshops, parent meetings, and financial aid workshops. All participating students who graduate from high school are guaranteed admission to Riverside Community College.

Project GRAD (Houston, Texas): Project GRAD (Graduation Really Achieves Dreams) is a school-community collaboration to improve the instructional quality and school environment for children in Houston's inner city schools. This effort combines research-based curricular reform in math, reading and language arts with comprehensive services, including tutoring, mentoring and counseling, for children starting in Kindergarten through high school. The project works with whole networks of schools -- elementary through high school -- to develop a consistent emphasis on high standards for

all students. Project GRAD also promises all 9th grade students a \$1,000 per year college scholarship if they reach basic academic standards. Currently, 24 schools in Houston and over 17,000 students are involved with Project GRAD. This massive effort is supported by a partnership of school, corporate, and community-based organizations and foundations.

**MAKING COLLEGE MORE AFFORDABLE
BY LOWERING STUDENT LOAN INTEREST RATES**

Well into this Year, Many Doubted That Student Loan Interest Rates Would Drop

"This summer, the interest rate on federally backed student loans is set to drop from the current 8.25 percent... But chances that students will ever see those savings are about as slim as finding a campus parking space during orientation or a private moment in the dorms. The nation's biggest student lenders have banded together and are lobbying Congress to scrap the government-mandated cut, which they say will wipe out their returns."

--Knight Ridder Tribune Business News, February 27,

1998

The Higher Education Amendments of 1998 adopt the Clinton Administration's proposal to slash student loan interest rates. Specifically, the new law:

Cuts Interest Rates on New Student Loans by Almost a Full Percentage Point -- Saving Students \$11 Billion Over the Life of Their Loans. The new law extends for 5 years the low student interest rate on new loans first won in the 1993 budget, proposed again in February by Vice President Gore, and available on a temporary basis since July 1. This lower student rate is set at the 3-month Treasury Bill + 2.3 (currently 7.46), a substantial drop from the pre-July 1 rate of T-Bill + 3.1 (about 8.25) on new student loans. The low rate is now available on all new student loans in the Direct Loan and Government-Guaranteed Loan (FFEL) programs. Students will save roughly \$50 per \$1,000 of debt, over a ten-year repayment period, as result of the interest rate reduction.

Allows Borrowers to Refinance Outstanding Loans at the Lower Rate. The new law extends for four months the current 7.46 interest rate on Direct Consolidation Loans. After four months, the interest rate on Direct Consolidation Loans will rise to the weighted average rate of the underlying loans, rounded up to the nearest one-eighth and capped at 8.25 .

The Administration is disappointed that the law contains an unnecessary new lender subsidy, and that it does not extend the low Direct Consolidation Loan rate for a longer period of time or ensure that it is available to borrowers who consolidate their student loans through private lenders in the FFEL program. The Administration hopes Congress will revisit these issues in the future.

Helps Millions of Americans Pay for College.

More than half of all undergraduates have to borrow money to pay for college today, and more than half of those with student loans have incomes under \$30,000.

- An elementary school teacher in Boston, who earned a Master's degree in Early Childhood Education and is struggling to repay \$43,000 in student loan debt on her \$16,000 annual income, can save about \$3,500 in interest from the new low interest rate; and
- A young married couple, trying to pay back \$160,000 in loans from law school while working in public interest jobs, can save almost \$25,000 in interest from the new low interest rate.

Builds on Clinton Administration Initiatives to Make College More Affordable for Students and Families. These include: the historic higher education tax cuts enacted last year -- the HOPE Scholarship and the Lifetime Learning Tax Credit, the flexible repayment options available through Direct Lending, the expansion of College Work Study, AmeriCorps, and the increase in the maximum Pell Grant.

CREATING THE GOVERNMENT'S FIRST PERFORMANCE-BASED ORGANIZATION TO MODERNIZE STUDENT AID DELIVERY

"We're going to dramatically change the way many agencies provide their services. Today, I'm proposing to create within existing departments something we call 'Performance-based Organizations.' These PBOs would be run by chief executives who sign contracts and will be personally accountable for delivering results. Their pay and job security will be tied directly to performance."

The Higher Education Amendments of 1998 establish a performance-based organization (PBO) to modernize the delivery of student financial aid. This is an historic milestone in the Administration's efforts to improve services to millions of students and the postsecondary institutions they attend. The PBO will make it possible to meet these challenges and to keep pace with the rapid rate of technological change in the financial services industry. Customer service will improve, and the public's confidence in the administration of student aid programs will grow.

Context for Change. Under the leadership of Vice President Gore, the National Partnership for Reinventing Government developed model legislation for establishing PBOs in federal offices. The new HEA law is the first legislation to formally establish a PBO in the federal government. During the past 15 years, numerous state, local and foreign governments have implemented similar performance-based models to improve services and reduce costs.

Reinventing for Results. A PBO is a new way of getting things done in the public sector -- a results-driven organization created to deliver the best possible services -- by establishing incentives for high performance and accountability for results, while also allowing more flexibility to promote innovation and increased efficiency.

Specifically, the PBO will be held accountable for performance objectives that include: improving customer satisfaction; providing high quality, cost-effective services; enhancing the ability to respond to the rapid rate of technological change; implementing a common, open, integrated system for student financial aid delivery; and providing complete, accurate and timely data to ensure program integrity.

Establishing New Flexibility and Accountability. The new HEA law that creates the PBO includes the following major provisions:

Leadership. The PBO will be led by a chief operating officer (COO) with a strong background in information technology and management, who is employed through a performance-based contract and reports directly to the Secretary;

Procurement flexibility. The PBO will have increased flexibility in procurement, with an emphasis on performance-based contracting;

Management and personnel flexibility. The PBO will have limited new flexibility in personnel management, including hiring and evaluating senior managers, and recruiting technical personnel; and

Accountability for results. The COO and employees of the PBO will have specific, measurable performance goals, ensuring accountability for defined results.

The Secretary will continue to be responsible for setting federal student aid policy.

The PBO will complement and strengthen reinvention initiatives already underway within the Department, including Project EASI (Easy Access for Students and Institutions) and other efforts to modernize student aid programs.

IMPROVING TEACHER QUALITY, RECRUITMENT, AND PREPARATION

“Every community should have a talented and dedicated teacher in every classroom.... [We have] an enormous need to be well-prepared to teach all students to the highest standards.”

~~The Higher Education Amendments of 1998 respond to the Nation's critical need for high-quality teachers by the Clinton Administration's proposal to improve the recruitment and preparation of new teachers. Our Nation's schools will need 2.2 million new teachers over the next decade, and these teachers~~

Title II of the new law authorizes a \$300 million investment in teacher preparation and recruitment in the upcoming fiscal year. The House's FY99 Appropriations bill allocates \$2.2 million for teacher recruitment, and the Senate's Appropriations bill allocates \$77.2 million for the following HEA initiatives:

Teacher Preparation Partnerships. This new initiative will provide grants to partnerships -- based on the Administration's proposed Lighthouse Partnerships -- between teacher preparation institutions and local school districts in high-need areas. To ensure that new teachers can meet the many challenges of today's classrooms, the partners will work to strengthen teacher education through activities such as:

- Implementing reforms that hold teacher education programs accountable* for preparing high-quality teachers.
- Improving the academic content knowledge* of prospective teachers through increased collaboration between faculty at schools of education and departments of arts and sciences;
- Ensuring that teachers are well-prepared for the realities of the classroom* by providing strong hands-on classroom experience and strengthening links between university and K-12 school faculties;
- Preparing prospective teachers to use technology* as a tool for teaching and learning;
- Preparing prospective teachers to work effectively with diverse students;* and

Recruitment Partnerships. Modeled after the highly successful Dewitt Wallace Reader's Digest Foundation's "Pathways to Teaching" program, this new recruitment initiative will provide grants to states and to partnerships between high-quality teacher education programs and local schools in high-need communities to recruit new teachers. Prospective teachers who agree to teach in high-need areas for a set number of years will receive scholarships and other support during their preparation and first years of teaching.

State Teacher Quality Enhancement Grants. These new grants encourage states to improve the quality of their teaching force by:

- Strengthening their teacher certification standards* to ensure that new teachers have the necessary teaching skills and academic content knowledge;
- Implementing reforms that hold institutions of higher education accountable* for preparing teachers who have strong teaching skills and knowledge of their content areas;
- Establishing or strengthening alternative pathways into teaching* for highly qualified individuals, including mid-career professionals and former military personnel; and
- Recruiting new high-quality teachers.*

Accountability. The new law helps ensure accountability in teacher education by requiring states and institutions of higher education to prepare "report cards" on the quality of teacher preparation, including their students' performance on teacher licensing examinations.

EXAMPLES OF TEACHER RECRUITMENT AND PREPARATION PARTNERSHIPS

The new HEA teacher preparation and recruitment initiatives will promote partnerships and teacher preparation activities similar to the award-winning projects described below.

Massachusetts: Samuel Mason Elementary School in Roxbury, Massachusetts, had a great need for teachers qualified to work with children who need special education services, because 25 of these students were fully included in regular classrooms. The school solved its problem by partnering with Wheelock College to develop a teacher preparation program that provides new and experienced teachers with dual certification in special education and regular education.

Pennsylvania: In Philadelphia, Drexel University has partnered with the Philadelphia Public Schools to recruit a diverse teaching force to serve as early childhood, math, and science teachers. Also in Philadelphia, Temple University is working with the local school district to recruit and prepare returned Peace Corps volunteers to be early childhood, elementary, math, science, and ESL teachers.

Texas: The teacher preparation program at the University of Texas at El Paso is designed, implemented, and evaluated through a collaboration of elementary and secondary school teachers and administrators, university faculty, the staff of the regional Texas Education Service Center, and community members. The curriculum emphasizes bilingual and cross-cultural education to prepare students to teach effectively in predominately Hispanic elementary and secondary schools. The program also uses a strong clinical model in which students work intensively in 18 professional development schools committed to school improvement.

Virginia: Capitalizing on the nearby military base, Norfolk State University in Virginia has collaborated with Old Dominion University and Norfolk Public Schools to recruit and prepare paraprofessionals and retired military personnel to become successful teachers. The program offers both financial and academic support for prospective teachers through a grant from the DeWitt Wallace Reader's Digest Fund.

Wisconsin: Alverno College in Milwaukee, Wisconsin, works with local schools to provide an innovative, performance-based teacher preparation program. Students are expected to demonstrate their mastery of a variety of skills essential to good teaching, such as: problem solving, involving the community in education, and integrating content knowledge with classroom practice. Upon completion of their extensive student teaching experience, the clinical preparation of Alverno students is assessed by a panel of Alverno faculty and teachers and administrators at their elementary or secondary schools. Currently, faculty and administrators at the College are working with three other institutions to improve their teacher preparation programs by adopting elements of the Alverno model.

PROMOTING HIGH-QUALITY DISTANCE EDUCATION

"Valuable technologies also are important for providing opportunities in higher education at a time when college is becoming ever more crucial.... making courses available at convenient locations; reducing time constraints for students. This is why I've proposed a number of changes to the Higher Education Act that will broaden learning opportunities."

Distance education can help all Americans -- including workers, parents, people in rural communities and people with disabilities -- go to college by removing barriers of time and place through innovative uses of technology.

While colleges and universities have been exploring the uses of technology, its capacity for increasing access to higher education has been limited because of restrictions on financial aid availability for distance learners. Only about one-third of all higher education institutions offered distance education in 1995, and they served fewer than one million students.

Distance Education Demonstration Programs. The new law authorizes Demonstration Programs to increase student access to higher education and to determine the best way to deliver quality education through distance learning. Because the current eligibility requirements for higher education institutions do not address the special needs and circumstances of distance learners, needy students are sometimes ineligible for financial aid. The Demonstration Programs will expand student aid eligibility for distance learners by allowing the Secretary to waive specific statutory and regulatory student aid requirements for participating institutions. Among the requirements that may be waived are those regarding measures of an academic year, minimum hours spent in the classroom, and the percentage of an institution's students that may be served by distance education. This change will provide new flexibility for institutions to offer high-quality distance education programs. Up to 15 degree-granting institutions, consortia, or systems of institutions may participate in Distance Education Demonstration Programs the first year, and up to 50 may participate in the third year.

Learning Anytime Anywhere Partnerships (LAAP). The new law authorizes the LAAP program, which will provide competitive grants to partnerships to ensure that high-quality learning opportunities are available to distance education students. The partnerships will develop and assess model distance education programs and educational software and find innovative measures of student achievement that are appropriate for distance education. Eligible partnerships will include two or more independent organizations, such as: colleges, community-based organizations, technical institutes, adult education programs, school districts, and businesses. LAAP grants will encourage institutions and their partners to work together to provide high-quality distance education programs that challenge traditional geographic and institutional boundaries. The new law authorizes this program at \$10 million in FY99, and the Senate, but not the House, FY99 Appropriations bill provides the full \$10 million.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-OCT-1998 10:12:57.00

SUBJECT: Re: EMBARGOED TO THE EVENT at 11:15am

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

TEXT:
ditto

----- Forwarded by Elena Kagan/OPD/EOP on 10/07/98 10:11
AM -----

Robert M. Shireman
10/07/98 10:06:06 AM
Record Type: Record

To: Robert M. Shireman/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: EMBARGOED TO THE EVENT at 11:15am

PBO document has been updated:
Message Copied

To: _____
Melissa G. Green/OPD/EOP
Lori L. Anderson/WHO/EOP
Brenda M. Anders/WHO/EOP
Kris M Balderston/WHO/EOP
David S. Beaubaire/WHO/EOP
Marsha E. Berry/WHO/EOP
Erskine B. Bowles/WHO/EOP
Phillip Caplan/WHO/EOP
Cheryl M. Carter/WHO/EOP
Michael Cohen/OPD/EOP
Brenda B. Costello/WHO/EOP
Michelle Crisci/WHO/EOP
Betty W. Currie/WHO/EOP
Michael Deich/OMB/EOP
Rahm I. Emanuel/WHO/EOP
Daniel D. Heath/OMB/EOP
Nancy V. Hernreich/WHO/EOP
Peter G. Jacoby/WHO/EOP
Christopher C. Jennings/OPD/EOP
Elena Kagan/OPD/EOP
Thomas A. Kalil/OPD/EOP
Jonathan A. Kaplan/OPD/EOP
Charles Konigsberg/OMB/EOP
Karin Kullman/WHO/EOP
Jeanne Lambrew/OPD/EOP
Ann F. Lewis/WHO/EOP
Jacob J. Lew/OMB/EOP
Bruce R. Lindsey/WHO/EOP
Julie E. Mason/WHO/EOP
Doris O. Matsui/WHO/EOP
Cathy R. Mays/OPD/EOP
Michael D. McCurry/WHO/EOP
Anne E. McGuire/WHO/EOP

Joseph J. Minarik/OMB/EOP
Linda L. Moore/WHO/EOP
Kevin S. Moran/WHO/EOP
Janet Murguia/WHO/EOP
Alison Muscatine/WHO/EOP
Bob J. Nash/WHO/EOP
John Podesta/WHO/EOP
Bruce N. Reed/OPD/EOP
Christa Robinson/OPD/EOP
Dorothy Robyn/OPD/EOP
Laura D. Schwartz/WHO/EOP
Jake Siewert/OPD/EOP
Douglas B. Sosnik/WHO/EOP
Jordan Tamagni/WHO/EOP
Barry J. Toiv/WHO/EOP
Michael Waldman/WHO/EOP
Paul J. Weinstein Jr./OPD/EOP
Craig T. Smith/WHO/EOP
Sara M. Latham/WHO/EOP
Thomas D. Janenda/WHO/EOP
Charles R. Marr/OPD/EOP
Beverly J. Barnes/WHO/EOP
Barbara D. Woolley/WHO/EOP
Robert B. Johnson/WHO/EOP
Cynthia A. Rice/OPD/EOP
Aviva Steinberg/WHO/EOP
William H. White Jr./WHO/EOP
Lisa J. Levin/WHO/EOP
Lynn G. Cutler/WHO/EOP
Christopher J. Lavery/WHO/EOP
Minyon Moore/WHO/EOP
Karen E. Skelton/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
virginia m. terzano/ovp @ ovp
Mickey Ibarra/WHO/EOP
Virginia N. Rustique/WHO/EOP
Elizabeth R. Newman/WHO/EOP
Emil E. Parker/OPD/EOP
Leanne A. Shimabukuro/OPD/EOP
Robin J. Bachman/WHO/EOP
Michael V. Terrell/CEQ/EOP
Ruby Shamir/WHO/EOP
Neera Tanden/WHO/EOP
Glen M. Weiner/WHO/EOP
andrei h. cherny/ovp @ ovp
Paul E. Begala/WHO/EOP
Roberta W. Greene/WHO/EOP
Noa A. Meyer/WHO/EOP
Laura Emmett/WHO/EOP
Mark D. Neschis/WHO/EOP
William A. Halter/OMB/EOP
Stacie Spector/WHO/EOP
Joshua Gotbaum/OMB/EOP
Brian A. Barreto/OPD/EOP
Barbara Chow/OMB/EOP
Sidney Blumenthal/WHO/EOP
Karen Tramontano/WHO/EOP
Chandler G. Spaulding/WHO/EOP
Andrea Kane/OPD/EOP
Joseph C. Fanaroff/WHO/EOP
Robert L. Nabors/OMB/EOP
Adrienne C. Erbach/OMB/EOP
Linda Ricci/OMB/EOP

CREATING THE GOVERNMENT'S FIRST PERFORMANCE-BASED ORGANIZATION TO MODERNIZE STUDENT AID DELIVERY

"We're going to dramatically change the way many agencies provide their services. Today, I'm proposing to create within existing departments something we call "Performance-based Organizations." These PBOs would be run by chief executives who sign contracts and will be personally accountable for delivering results. Their pay and job security will be tied directly to performance." The Higher Education Amendments of 1998 establish a performance-based organization (PBO) to modernize the delivery of student financial aid. This is an historic milestone in the Administration's efforts to improve services to millions of students and the postsecondary institutions they attend. The PBO will make it possible to meet these challenges and to keep pace with the rapid rate of technological change in the financial services industry. Customer service will improve, and the public's confidence in the administration of student aid programs will grow.

Context for Change. Under the leadership of Vice President Gore, the National Partnership for Reinventing Government developed model legislation for establishing PBOs in federal offices. The new HEA law is the first legislation to formally establish a PBO in the federal government. During the past 15 years, numerous state, local and foreign governments have implemented similar performance-based models to improve services and reduce costs.

Reinventing for Results. A PBO is a new way of getting things done in the public sector -- a results-driven organization created to deliver the best possible services -- by establishing incentives for high performance and accountability for results, while also allowing more flexibility to promote innovation and increased efficiency.

Specifically, the PBO will be held accountable for performance objectives that include: improving customer satisfaction; providing high quality, cost-effective services; enhancing the ability to respond to the rapid rate of technological change; implementing a common, open, integrated system for student financial aid delivery; and providing complete, accurate and timely data to ensure program integrity.

Establishing New Flexibility and Accountability. The new HEA law that creates the PBO includes the following major provisions:

Leadership. The PBO will be led by a chief operating officer (COO) with a strong background in information technology and management, who is employed through a performance-based contract and reports directly to the Secretary;

Procurement flexibility. The PBO will have increased flexibility in procurement, with an emphasis on performance-based contracting;

Management and personnel flexibility. The PBO will have limited new flexibility in personnel management, including hiring and evaluating senior managers, and recruiting technical personnel; and

Accountability for results. The COO and employees of the PBO will have specific, measurable performance goals, ensuring accountability for defined results.

The Secretary will continue to be responsible for setting federal student aid policy.

The PBO will complement and strengthen reinvention initiatives already underway within the Department, including Project EASI (Easy Access for Students and Institutions). Modernization is aimed at reducing student loan defaults, increasing use of the Internet and electronic applications for student aid, and better integrating computer systems to administer student aid.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 9-OCT-1998 09:37:48.00

SUBJECT: RECEIVED: URGENT: CONFEREES LETTER ON HR 3150

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
URGENT: CONFEREES LETTER ON HR 3150
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
10/09/98 09:34:36 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-OCT-1998 09:37:18.00

SUBJECT: weekly

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

READ:UNKNOWN

TEXT:

your last suggestion seems right.

----- Forwarded by Elena Kagan/OPD/EOP on 10/09/98 09:37 AM -----

Sarah A. Bianchi

10/08/98 11:24:42 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Paul J. Weinstein Jr./OPD/EOP, Laura Emmett/WHO/EOP

cc:

Subject: weekly

All of the news for the weekly for the President on health care would come from an update on the budget negotiations. Key issues that I believe that he would benefit from receiving updates are: home health fixes, skilled nursing facilities, assisted suicide, needles, race and health, Pennsylvania DSH issues, and numerous CHIP fixes requested by states. However, because all of these issues remain unresolved as of this moment and will be resolved probably by Saturday evening, it would seem ill-advised to send an status report on provisions that are likely to change within the next 48 hours and be dated when the President reads them. If you like we could slightly modify this note to you and highlight issues and cite these as examples of the numerous moving parts of the budget deliberations of issues.

sb

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 9-OCT-1998 09:37:49.00

SUBJECT: RECEIVED: URGENT: DRAFT SAP FOR HR 10

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
URGENT: DRAFT SAP FOR HR 10
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
10/09/98 09:34:32 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-OCT-1998 20:24:49.00

SUBJECT: Re: testing offer to Goodling ready to go

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

TEXT:
did we make the changes? is it out yet?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-OCT-1998 11:46:11.00

SUBJECT:

TO: JOHN D. (SKY) (Pager) #PODESTA (JOHN D. (SKY) (Pager) #PODESTA [UNKNOWN])
READ:UNKNOWN

TEXT:

have big ed testing problem. need you to lay down marker. elena

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-OCT-1998 13:39:37.00

SUBJECT: Re: Hate Crimes Updates & Wyoming

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

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

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

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

TEXT:
sure

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-OCT-1998 13:33:47.00

SUBJECT: Re: Title IX

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

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

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

TEXT:

that's great. what exactly is the purpose of the meeting? to crow, to
give a heads-up, or to consult?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-OCT-1998 13:33:24.00

SUBJECT: Re: School Safety Proclamation

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

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

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

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

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

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

TEXT:
sounds right to me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-OCT-1998 11:24:19.00

SUBJECT: Re: Budget

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

READ:UNKNOWN

TEXT:

what kind of language do you think this is in?

----- Forwarded by Elena Kagan/OPD/EOP on 10/13/98 11:24
AM -----

Maria Echaveste

10/13/98 10:11:51 AM

Record Type: Record

To: Mickey Ibarra/WHO/EOP

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

bcc:

Subject: Re: Budget

Mickey--lots of things in flux, but these issues are on the radar screen in one way or another--for on tobacco, --elena, on rum tax--this may be part of extenders, unclear but it's in gene's shop-I'd call john kaplan to find out the latest, on chip, ed-flex and medicaid alloca--barbara chow's office should have latests; indian gaming--part of interior discussions, wes warren might be able to help (on this, I think there is resolution). While a budget briefing would make it easier--too many people working on all these issues (and more) and it's constantly changing.

Mickey Ibarra

10/12/98 08:02:43 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc:

Subject: Budget

It would be very helpful to IGA to get a budget briefing on where we stand with about a half dozen remaining priority issues for IGA. They include Ed Flex, Medicaid Cost Allocation, Tobacco medicaid recoupment, Indian Gaming (Enzi-Sessions amendment), Rum Tax Cover Over, and CHIP dollars for Puerto Rico and Virgin Islands. What would you suggest?

Message Copied

To:

Sylvia M. Mathews/OMB/EOP

Barbara Chow/OMB/EOP

Elena Kagan/OPD/EOP
Michael Cohen/OPD/EOP
Jonathan A. Kaplan/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-OCT-1998 13:06:51.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

no bunning if no kennedy jeffords. elena

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-OCT-1998 14:43:52.00

SUBJECT: Class size counter offer

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

TEXT:

Unable to convert ARMS_EXT:[MESSAGE.D94]MAIL40221368Z.226
The following is a HEX dump of the file:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D94]MAIL422213680.226 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 1 =====
===== ATTACHMENT 2 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D94]MAIL422213681.226 to ASCII,
The following is a HEX DUMP:

===== END ATTACHMENT 2 =====
===== ATTACHMENT 3 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D94]MAIL432213682.226 to ASCII,
The following is a HEX DUMP:

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