

NLWJC – Kagan

Hard Drive – Folder 5

June 18, 1998

MEETING WITH ECONOMIC ADVISORS

DATE: June 18, 1998  
TIME: 10:00am-11:00am  
LOCATION: Cabinet Room  
FROM: Gene Sperling

I. PURPOSE

Your economic advisors want to use this meeting as a way of updating you on a few key economic/financial/budgetary issues: (1) possible negative scenarios we could face in the global economy with updates on three countries: Indonesia, Russia, and Ukraine; (2) possible strategies over the next few months in dealing with potential Republican tax cuts and strategies; and (3) our strategy for the Appropriations bill and how we should stage our battle and our priorities.

You should know that senior staff will decide tomorrow morning whether this is an appropriate opportunity for you to make a tobacco statement to the pool at the top of the meeting.

II. BACKGROUND

Global Economy. Secretary Rubin, Erskine, and others remain very worried still of potential negative scenarios on the global economy that under some circumstances could be alarming. We want to walk through some of the scenarios with you and focus on a few countries that we have not spoken to you on: Indonesia, Ukraine, and Russia -- which had their IMF disbursement at least temporarily postponed yesterday.

Tax Cuts. In devising our strategy for the fall we want to make sure we walk through with you different scenarios Republicans might try to push through tax cuts -- particularly any that might put you in a veto posture before an election. We want to discuss with you four or five different scenarios looking at how to make the most of our targeted and fully paid for tax proposal.

Appropriations Strategy. In order to get a full picture for what the situation will be like in September it is important for us to understand how to engage in an appropriations process, particularly if we want to devise a strategy of which battles to engage in now and which issues to save for later in the fall when our posture may be even stronger.

III. PARTICIPANTS

The President  
The Vice President  
Erskine Bowles  
Sylvia Mathews (on vacation)

Maria Echaveste  
John Podesta  
Gene Sperling  
Jack Lew  
Janet Yellen  
Ron Klain  
Larry Stein  
Secretary Rubin  
Larry Summers (traveling)  
Rahm Emanuel  
Paul Begala  
Bruce Reed  
Sally Katzen  
Elena Kagan  
Lael Brainard  
David Lipton

IV. SEQUENCE OF EVENTS

You will meet with your advisors in the Cabinet Room.

V. PRESS COVERAGE

TBD

VI. REMARKS

TBD

July 21, 1998

MEETING WITH ECONOMIC ADVISORS

DATE: July 22, 1998  
TIME: 12:00pm-12:45pm  
LOCATION: Cabinet Room  
FROM: Gene Sperling

I. PURPOSE

Erskine Bowles requested that you meet with your economic advisors again, as you did last month, to update you on key economic, financial, and budgetary issues. We will discuss (1) possible strategies to buffer our "Save Social Security First" position against Republican tax cut proposals; (2) the state of the economy with respect to second quarter GDP growth; and (3) the current financial situation in Asia and Russia and its effect on the global economy.

II. BACKGROUND

**Tax Cuts/Surplus.** It appears that the Republicans will try to tap the surplus to pay for their tax cuts. We will discuss with you ways to strengthen the resolve of Democrats to Save Social Security First and our efforts to work with them to fashion an alternative tax cut that advances your priorities. The IRS bill signing event (immediately following this meeting) provides an opportunity to build on the strong message you delivered last Friday on the surplus.

**State of the Economy.** We will review the latest economic indicators and forecasts for GDP growth in the second quarter and the rest of the year. In light of recently released data on trade flows and inventories, most forecasters have revised downward significantly their estimates of second quarter GDP growth. Many analysts now expect the advance estimate of second quarter GDP, to be released on July 31, to show near-zero and conceivably negative growth. We will highlight three factors responsible for the changed assessment: the GM strike, the impact of Asian financial crisis on U. S. trade, and the significant decline in inventory investment from its record level in the first quarter. We also want to discuss with you the prospects for growth in the second half of 1998 and the year as a whole and analyze some key risks to the forecast.

**Global Economy.** As part of an ongoing review on Asia Financial crisis, we will discuss the nature of the IMF program and challenges ahead for Russia; the current financial situation in Ukraine; the impact of sanctions on Pakistan's financial situation; and the continued lack of direction in Japan's banking and fiscal priorities.

III. PARTICIPANTS

The President  
The Vice President  
Erskine Bowles  
Sylvia Mathews  
Maria Echaveste  
John Podesta  
Gene Sperling  
Jack Lew  
Janet Yellen  
Ron Klain  
Larry Stein  
Secretary Rubin  
Larry Summers  
Rahm Emanuel  
Paul Begala  
Bruce Reed  
Elena Kagan  
Lael Brainard  
Tim Geithner  
Sandy Berger  
Jim Steinberg  
Jill Blickstein  
Leon Fuerth

IV. SEQUENCE OF EVENTS

You will meet with your advisors in the Cabinet Room.

V. PRESS COVERAGE

NONE

VI. REMARKS

NONE

VII. ATTACHMENTS

- a. Options for Surplus/Tax Cut Strategy
- b. CEA Review -- The Current Economic Status
- c. Treasury Paper

December 21, 1998

MEETING WITH ECONOMIC ADVISORS

DATE: December 22, 1998

TIME: 2:30-4:00pm

LOCATION: Cabinet Room

FROM: Gene Sperling

I. PURPOSE

The purpose of this meeting is to discuss different options for how to handle Social Security in the State of the Union. In particular, we need to move toward decisions about whether you would like to put out a proposal in the State of the Union and if so, how specific you would like to be in the proposal.

II. BACKGROUND

In previous meetings, we have discussed a range of Social Security reform plans. In the aftermath of the White House Social Security Conference, members of Congress are beginning to engage on the issue. We now need to focus on different options for moving the reform process forward in the New Year. At the meeting, we will present a few options in order to help you think through the advantages and disadvantages of different approaches. Among possible criteria for evaluating proposals for the State of the Union are 1) whether the proposal would help maintain support of Democrats; 2) Whether the proposal will reach out a hand to Republicans and show them that you are serious about bipartisanship; 3) Whether the public will perceive you as showing bipartisan leadership; 4) Whether the elite media will conclude that the proposal demonstrates fiscal courage; and 5) whether the proposal will cause the reform process to move forward or whether it will cause the debate to become polarized; and 6) considering where you would like to end up, does the proposal represent an opening bid that is likely to lead there.

III. PARTICIPANTS

YOU

The Vice President

John Podesta

Steve Richetti

Maria Echaveste

Karen Tramontano

Gene Sperling

Commissioner Apfel

Jack Lew

Sylvia Mathews

Larry Stein

Deputy Secretary Summers

Janet Yellen

Ron Klain  
Paul Begala  
Doug Sosnik  
Bruce Reed  
Elena Kagan  
Sally Katzen  
Michael Waldman

IV. SEQUENCE OF EVENTS

-YOU will meet with your economic policy advisors in the Cabinet Room.

V. PRESS COVERAGE

Closed.

VI. REMARKS

NA.

December 21, 1998

MEETING WITH ECONOMIC ADVISORS

DATE: December 22, 1998

TIME: 2:30-4:00pm

LOCATION: Cabinet Room

FROM: Gene Sperling

I. PURPOSE

The purpose of this meeting is to discuss different options for how to handle Social Security in the State of the Union. In particular, we need to move toward decisions about whether you would like to put out a proposal in the State of the Union and if so, how specific you would like to be in the proposal.

II. BACKGROUND

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III. PARTICIPANTS

YOU

The Vice President

John Podesta

Steve Richetti

Maria Echaveste

Karen Tramontano

Gene Sperling

Commissioner Apfel

Jack Lew

Sylvia Mathews

Larry Stein

Deputy Secretary Summers

Janet Yellen

Ron Klain

Paul Begala

Doug Sosnik

Bruce Reed

Elena Kagan

Sally Katzen

Michael Waldman

IV. SEQUENCE OF EVENTS

-YOU will meet with your economic policy advisors in the Cabinet Room.

V. PRESS COVERAGE

Closed.

VI. REMARKS

NA.

January 5, 1998

MEETING WITH ECONOMIC ADVISORS

DATE: January 6, 1999

TIME: 5:10-6:10pm

LOCATION: Cabinet Room

FROM: Gene Sperling

I. PURPOSE

The purpose of this meeting is to continue to discuss different options for how to handle Social Security in the State of the Union. In particular, we need to move toward decisions about whether you would like to put out a proposal in the State of the Union and if so, how specific you would like to be in the proposal.

II. BACKGROUND

In previous meetings, we have discussed a range of Social Security reform plans. In the aftermath of the White House Social Security Conference, members of Congress are beginning to engage on the issue. We now need to focus on different options for moving the reform process forward in the New Year. At the meeting, we will present a few options in order to help you think through the advantages and disadvantages of different approaches.

III. PARTICIPANTS

YOU

John Podesta

Jack Lew

Sylvia Mathews

Maria Echaveste

Steve Ricchette

Gene Sperling

Janet Yellen

David Beier

Larry Stein

Larry Summers

Paul Begala

Bruce Reed

Elena Kagan

Karen Tramontano

Sally Katzen

Michael Waldman

Doug Sosnik

IV. SEQUENCE OF EVENTS

YOU will meet with your advisors in the Cabinet Room.

V. PRESS COVERAGE

NONE

VI. REMARKS

NONE

VII. ATTACHMENTS

NONE

January 13, 1999

MEETING WITH ECONOMIC ADVISORS

DATE: January 14, 1999

TIME: 5:15-6:15pm

LOCATION: Cabinet Room

FROM: Gene Sperling

I. PURPOSE

To make final decisions about the Social Security package being announced in the State of the Union, including the Medicare and Universal Pension components.

II. BACKGROUND

In our previous meetings, we have discussed a package that would allocate 50 percent of unified budget surpluses for the next 15 years to strengthening Social Security. Another 18 percent of the surplus would be allocated for Medicare; 10 percent (and possibly more) would be allocated for a universal pension; 13 percent would be allocated for discretionary spending, and the balance could be used for debt reduction.

We have had daily principals meetings over the past week to work out the details of this proposal. At this meeting, we will present the results of our work, so that you can make decisions about the package.

III. PARTICIPANTS

John Podesta

Jack Lew

Sylvia Mathews

Maria Echaveste

Steve Ricchetti

Ken Apfel

Gene Sperling

Janet Yellen

David Beier

Larry Stein

Larry Summers

Paul Begala

Bruce Reed

Elena Kagan

Karen Tramontano

Sally Katzen

Michael Waldman  
Doug Sosnik

IV. SEQUENCE OF EVENTS

YOU will meet with your advisors in the Cabinet Room.

V. PRESS COVERAGE

NONE

VI. REMARKS

NONE

VII. ATTACHMENTS

NONE

\*

January 13, 1999

#### MEETING WITH ECONOMIC ADVISORS

DATE: January 14, 1999

TIME: 5:15-6:15pm

LOCATION: Cabinet Room

FROM: Gene Sperling

#### I. PURPOSE

To make final decisions about the Social Security package being announced in the State of the Union, including the Medicare and Universal Pension components.

#### II. BACKGROUND

We have had daily principals meetings over the past week to work out the details of a potential proposal. At this meeting, we will present the results of our work, so that you can make decisions about a package to use the surplus to address Social Security, Medicare, and pension security.

#### III. PARTICIPANTS

Vice President

John Podesta

Jack Lew

Secretary Rubin

Sylvia Mathews

Maria Echaveste

Steve Ricchetti

Ken Apfel

Gene Sperling

Janet Yellen

David Beier

Larry Stein

Paul Begala

Bruce Reed

Elena Kagan

Karen Tramontano

Sally Katzen

Michael Waldman

Doug Sosnik

Chris Jennings

#### IV. SEQUENCE OF EVENTS

YOU will meet with your advisors in the Cabinet Room.

V. PRESS COVERAGE

NONE

VI. REMARKS

NONE

VII. ATTACHMENTS

NONE

Economic Team Meeting  
Cabinet Room  
10:00 - 11:00, Friday, June 19, 1998

Briefing prepared by Scott Hynes

#### EVENT

You are having a meeting in lieu of the weekly economic briefing to review certain economic issues. While there is no specific agenda, we have been told by Gene Sperlings office that there are three matters likely to be discussed: first, the state of the FY99 Appropriations bills; second, GOP strategy on tax cuts; and third, the Asian financial situation.

Ron recommends that if the appropriations strategy is discussed, you may want to emphasize that our strategy should include strong support for adequate funding for the environment and for science and technology. This push is necessary because the Presidents message of late has been focused so heavily on education funding.

#### EVENT PARTICIPANTS

The President  
The Vice President  
Secretary Robert Rubin  
Erskine Bowles  
Jack Lew  
Gene Sperling  
Sylvia Mathews  
John Podesta  
Larry Stein  
Sally Katzen  
Ron Klain  
Maria Echaveste  
Janet Yellen  
Bruce Reed  
Elena Kagan  
Paul Begala  
Rahm Emanuel

MEMORANDUM FOR ERSKINE BOWLES

THROUGH: Franklin D. Raines

FROM: Sally Katzen

SUBJECT: Heads-up on the EDs Financial Responsibility Final Rule

We have just concluded review of an Education Department (ED) final rule that revises the standards by which ED determines that colleges and universities are "financially responsible" (a necessary prerequisite for those schools to participate in EDs student aid programs). ED has developed, after extensive public comment and consultation, a detailed set of measures of an institutions performance on key financial indicators (e.g. equity, cash reserves, capital) to assess the financial health of schools.

The Department has relied on work by Peat Marwick to develop a rule which we believe has a sound analytical foundation. We further believe that schools that meet the standards set out by this rule will be better equipped to both serve the needs of students and meet the institutional responsibilities of EDs student aid programs.

Please let me know if you have any questions.

cc: Maria Echaveste  
Rahm Emanuel  
John Hilley  
Ann Lewis  
Thurgood Marshall, Jr.  
Sylvia Mathews  
Bruce Reed  
Gene Sperling  
Elena Kagan  
Victoria Radd  
Barry Toiv  
Michael Waldman  
Jack Lew  
Larry Haas

August 26, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL CAPLAN

SUBJECT: National Testing Initiative

Bruce Reed, Elena Kagan and Mike Cohen have sent you a detailed memo outlining Administration strategy on your National Testing Initiative. As you know, we are likely to face a challenge in early September from Rep. Goodling in the form of an amendment to the Labor-HHS-Ed appropriations bill; the amendment would prohibit DoEd from spending any funds to develop the tests. The memo does a good job of describing the legislative, communications and outreach efforts in which the Administration is engaged -- I recommend that you read the entire memo.

Spanish-language test. As described in the memo, you should be aware that there is some dissension among your advisors over whether the Administration should develop a Spanish-language reading test for Limited English Proficient (LEP) 4th grade students. The issue is a critical one for the Hispanic Caucus and whether they will support the Administration or Goodling. You are not being asked to make a decision on this issue.

DoEd, with DPC concurrence, now intends to develop only an English-language reading test and to exclude LEP students with less than three years of American schooling from the test (unless the students parents request otherwise.) The Hispanic Caucus believes that such exclusion will stigmatize LEP students and allow schools to escape accountability. Most states/school districts already exclude LEP students with less than three years American schooling when using tests to apply for Title 1 funds, and give such excluded students a foreign-language analogue. Therefore, states/districts using our 4th grade test to qualify for Title 1 will have to give excluded LEP students a substitute test in a foreign language. But the Hispanic Caucus wants DoEd to go further by developing a uniform national Spanish-language test, requiring all states/districts -- not just Title 1 applicants -- to administer the tests, and paying for the tests administration.

DPC, Secretary Riley, John Podesta, Sylvia and Rahm all agree that the Administration should not develop a Spanish-language test and unless you object, the Administration will maintain this policy. Maria, Mickey and Janet Murguia support a compromise proposal as outlined in the memo -- LEP students would be given two tests, one in English and one in a foreign language. Their compromise proposal is supported by Rep. Becerra, who believes he can get most, but not all, Caucus members to support it. However, as explained in the memo, Secretary Riley et al oppose the compromise proposal on substantive grounds and because it is certain to be strongly opposed by more conservative education reformers like Diane Ravitch whose support we have not yet given up on.

Record Type:Record

To:See the distribution list at the bottom of this message  
cc:  
Subject:Final one pager and q&a on vp's announcement today

THE CLINTON ADMINISTRATION ANNOUNCES  
NEW CIVIL RIGHTS ENFORCEMENT INITIATIVE  
January 19, 1998

The Vice President today announced a package of civil rights enforcement initiatives that places new emphasis on prevention and non-litigation remedies for discrimination and strengthens civil rights agencies ability to enforce anti-discrimination law. The plan promotes prevention by providing increased resources for compliance reviews and technical assistance, and offers an alternative to expensive litigation by funding a dramatic expansion of alternative dispute resolution (ADR) mechanisms. The plan also sets specific performance goals for the EEOC to speed processing of complaints and reduce case backlog, and provides for greater coordination across federal agencies and offices. The Clinton Administrations Fiscal Year 1999 balanced budget contains \$602 million for civil rights enforcement agencies and offices -- an increase of \$86 million, or more than 16 percent, over last years funding.

Equal Employment Opportunity Commission (EEOC)

The Administrations budget proposal expands the EEOCs ADR program over three years to allow as many as 70 percent of all complainants to choose mediation, rather than the lengthy process of investigation and litigation. In the first year of this expansion, the EEOC will provide ADR in a projected 16,000 cases -- 20 percent of all incoming cases and double the number currently sent to mediation. The Administrations budget also sets specific performance goals for the EEOC to reduce its backlog. Through a combination of the increased use of mediation, improved information technology, and an expanded investigative staff, the EEOC will reduce the average time it takes to resolve private sector complaints from over 9.4 months to 6 months, and reduce the backlog of cases from 64,000 to 28,000, by the year 2000.

In total, the budget requests \$279 million for the EEOC for FY 1999 -- \$37 million or 15 percent more than the enacted 1998 budget. More than one-third of the proposed increase (\$13 million) goes to expansion of the agencys ADR program.

Department of Housing and Urban Development (HUD)

The Administrations budget proposes an increased emphasis on reducing discrimination and ensuring equal opportunity in housing. The highlight of the HUD budget proposal is a targeted enforcement initiative that will use paired testing -- in which otherwise identical applicants of different races approach realtors or landlords -- to detect and eliminate housing discrimination. This systematic, focused testing strategy will allow more accurate measurement and increased public awareness of housing discrimination, while facilitating enforcement actions against violators of the fair housing law.

The Administrations budget proposes \$52 million for FY 1999 -- \$22 million, or about 70 percent, more than last years funding -- to enable HUD to meet its goals of ensuring equal opportunity in housing. The new paired testing program is funded at \$10 million.

Department of Justice Civil Rights Division

The Administrations 1999 budget proposes more than a 10 percent increase for the Civil Rights Division -- from \$65 million in FY 1998 to \$71.6 million in FY 1999. This funding will permit the Department to continue its efforts to enforce the laws that provide civil and criminal protections from discrimination, including the Civil Rights Act of 1964, the Fair Housing Act, and the Americans with Disabilities Act. The budget also includes funds specifically to enhance the Civil Rights Divisions role in coordinating federal civil rights enforcement across agencies. This enhanced coordinating role, which will be undertaken by Bill Lann Lee, will lead to more consistent enforcement of civil rights laws, broader dissemination of best practices, and improved data collection.

Key Aspects of the Budget

\* Alternative Dispute Resolution (ADR)

The plan increases the use of ADR in the Federal government as a voluntary option available to parties that seek a non-litigation solution to their cases. The Administrations budget expands mediation programs in almost every agency, most notably in the EEOC.

\* Prevention Activities

The plan emphasizes efforts throughout the governments civil rights agencies and offices to prevent discrimination from occurring -- for example, through technical assistance, outreach, and compliance reviews. Offices in which such consultative activities will assume added importance include the Civil Rights Center of the Department of Labor and the Offices of Civil Rights of the Departments of Health and Human Services and Education. The Office of Federal Contract Compliance Programs of the Department of Labor will increase compliance reviews by 10 percent, while reducing burdens on contractors (paperwork, etc.) by at least 30 percent.

\* Improved Coordination

The plan recognizes the need for enhanced coordination of federal civil rights enforcement policy among agencies by highlighting the lead role of the Department of Justices Civil Rights Division, under the direction of Bill Lann Lee, and providing additional resources for coordination activities. As noted above, this emphasis will lead to more consistent enforcement of civil rights laws, broader dissemination of best practices, and improved data collection.

Message Sent To: \_\_\_\_\_

Barry J. Toiv/WHO/EOP

Darby E. Stott/WHO/EOP

Dag Vega/WHO/EOP

Anne M. Edwards/WHO/EOP

Brenda M. Anders/WHO/EOP

Jonathan Murchinson/WHO/EOP

Joseph P. Lockhart/WHO/EOP

Megan C. Moloney/WHO/EOP

RUBIN\_E @ A1 @ CD @ LNGTWY  
WOZNIAK\_N @ A1 @ CD @ LNGTWY  
Elizabeth R. Newman/WHO/EOP  
Julia M. Payne/WHO/EOP  
Julianne B. Corbett/WHO/EOP  
LUZZATTO\_A @ A1 @ CD @ LNGTWY  
CROWLEY\_P @ A1 @ CD @ LNGTWY  
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Kara Gerhardt/WHO/EOP  
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Nanda Chitre/WHO/EOP  
Amy W. Tobe/WHO/EOP  
James M. Teague/WHO/EOP  
Joshua Silverman/WHO/EOP  
Jeremy M. Gaines/WHO/EOP  
Beverly J. Barnes/WHO/EOP  
Julie E. Mason/WHO/EOP  
Ann F. Lewis/WHO/EOP  
Stacie Spector/WHO/EOP  
Kevin S. Moran/WHO/EOP  
Elena Kagan/OPD/EOP  
Thomas L. Freedman/OPD/EOP  
Christa Robinson/OPD/EOP  
Jake Siewert/OPD/EOP  
Andrew J. Mayock/WHO/EOP  
Virginia M. Terzano/OVP @ OVP  
Heidi Kukis/OVP @ OVP  
Nathan B. Naylor/OVP @ OVP

## M E M O R A N D U M

TO: BRUCE REED

CC: ELENA KAGAN

FROM: TOM FREEDMAN, MARY L. SMITH

RE: POSSIBLE DPC CONFERENCE ON ELDER CARE

DATE: JUNE 13, 1997

## SUMMARY

Elder care issues are becoming prevalent in the workplace with costs of absenteeism, interruptions, and decreased productivity totalling \$30 billion per year. We suggest a Domestic Policy Council conference on elder care, addressing the problems facing workers and possible solutions that can be provided by the Government and employers.

## BACKGROUND

With the baby boomers beginning to reach middle age, their parents, in turn, are reaching old age. Middle age baby boomers will increasingly be responsible for taking care of their aging parents and relatives. With these increased caregiving activities by their workers, employers are experiencing lost hours, absenteeism, and emotional distress. In fact, baby boomers are called the "Sandwich Generation," juggling child care issues on the one hand and elder care issues on the other.

Companies are beginning to recognize the costs of elder care, and have begun to offer some elder care benefits to their employees. Companies offer referral services, long-term care insurance, flexible scheduling arrangement, and counseling on elder care issues.

## STATISTICS

\*Of the nations 78 million baby boomers born between 1946 and 1964, the largest single group was born in 1957. While those boomers turn 40 this year, their parents average age will be almost 70. Based on projections from the National Center for Health Statistics, nearly 40% of those parents will no longer be alive 10 years from now.

\*A recent survey by the National Alliance for Caregiving (NAC) estimates that lost productivity, absenteeism, interruptions and replacing employees who quit to care for elderly relatives costs companies \$30 billion per year.

\*More than 22 million families provide informal, unpaid care for an older parent or relative, up from 7 million in 1987. Out-of-pocket expenses amount to \$24 per year for items such as missed work, paying for care services, and travel expenses. [NAC survey]

\*From a survey sponsored by the Womens Voices project of the Center for Policy Alternatives and conducted between August 5 and August 11, 1996, 76% of persons under the age of 30 believe that it is very or somewhat likely that they will have to care for an aging parent.

\*A recent report by Hewitt Associates L.L.C. shows the greatest increase in companies offering benefits in elder care, which more than doubled in employer participation to 30% in 1996 up from 13% in 1991. Of this segment of employers, about 8 out of 10 respondents offered employees a resource and referral service that typically consisted of a telephone number and advisor who could place an elderly relative with a caregiver during an unexpected period of need.

\*Of the nearly one-third of respondents offering some form of elder care benefit, 25% also reported offering long-term care insurance, and 17% offered counseling on elder care issues. [Hewitt survey]

#### POTENTIAL PARTICIPANTS

- \*National Alliance of Caregiving
- \*Ellen Galinsky, Families and Work Institute
- \*American Association of Retired Persons (AARP)
- \*Andrew Scharlach, director of the University of California-Berkeley's Center for Advanced Study of Aging Services
- \*Edward Myers, author of When Parents Die: A Guide for Adults
- \*Mary Brugger Murphy, acting director of National Adult Day Services Association
- \*Department of the Aging
- \*National Association of Professional Geriatric Care Managers
- \*Partnership for Eldercare, a nonprofit company hired by businesses to advise workers about caring for aging relatives (started by New York City Department of Aging and companies such as Philip Morris, American Express, and J.P Morgan)

#### RECOMMENDATION

- \*Hold a Domestic Policy Council event, discussing issues of elder care including possible solutions that employers and the government can provide.

MEMORANDUM FOR ERSKINE BOWLES

THROUGH: Franklin D. Raines

FROM: Sally Katzen

SUBJECT: Heads Up on EPAs Heavy-Duty Engines Final Rule

We are about to complete review of an EPA final rule to reduce emissions of nitrogen oxides (NOx) from diesel trucks and buses beginning in model year 2004. The rule's new emissions control strategies will reduce the current level of permissible NOx emissions by approximately 50 percent; it will also produce substantial, coincidental reductions of one precursor to particulate matter (PM) -- nitrates -- in areas with high levels of nitrate-based PM.

Because the new standards are the result of a multi-year consensus-building exercise between EPA and engine manufacturers, they will be supported by industry; environmental groups are likely to be relatively content because the new standards will yield significant emissions reductions. The engine manufacturers support, however, is conditioned on EPA's decision to leave the PM standard for these engines at its current level, which may draw some criticism from environmentalists who wanted EPA to ratchet down the PM level. Please give me a call if you have any questions.

cc: Maria Echaveste  
Rahm Emanuel  
John Hilley  
Ron Klain  
Ann Lewis  
Thurgood Marshall, Jr.  
Sylvia Mathews  
Bruce Reed  
Gene Sperling  
Elena Kagan  
Victoria Radd  
Barry Toiv  
Michael Waldman  
T.J. Glauthier  
Larry Haas

January 7, 1998

MEETING WITH CONGRESSIONAL DEMOCRATS

DATE:Thursday, January 8, 1998

LOCATION: Cabinet Room

TIME: 9:15 am-10:15 am

FROM: John Hilley

I. PURPOSE

This is an opportunity to elicit the views of Congressional Democrats on Social Security and the use of the projected budget surplus.

II. BACKGROUND

III. PARTICIPANTS

Pre-Brief (8:45 am-9:15 am-Oval Office)

The President

The Vice President

Secretary Rubin

Erskine Bowles

John Hilley

Gene Sperling

Frank Raines

Jack Lew

Larry Summers

Ken Apfel

Meeting (9:15 am-10:15 am-Cabinet Room)

The President

The Vice President

Secretary Rubin

Erskine Bowles

John Hilley

Gene Sperling

Frank Raines

Jack Lew

Larry Summers

Ken Apfel

Ron Klain

John Podesta

Sylvia Mathews  
Janet Yellen  
Rahm Emanuel  
Paul Begala  
Bruce Reed  
Elena Kagan  
Maria Echaveste  
Martha Foley  
Linda Robertson

MEMBERS INVITED

Sen. Daschle  
Sen. Breaux--no  
Sen. Dodd  
Sen. Rockefeller--no  
Sen. Graham  
Sen. Moynihan--no  
Sen. Lieberman--no  
Sen. Bob Kerrey--no  
Sen. Mosely-Braun  
Sen. Dorgan  
Sen. Conrad--no  
Sen. Lautenberg

Rep. Gephardt--yes  
Rep. Bonior  
Rep. Fazio--yes  
Rep. Rangel  
Rep. Levin  
Rep. Becerra  
Rep. Cardin--no  
Rep. Kennelly  
Rep. Neal  
Rep. Stenholm--no  
Rep. Hoyer  
Rep. Pomeroy--yes  
Rep. Dooley--yes  
Rep. Spratt--yes  
Rep. Delahunt

IV. PRESS PLAN

Closed Press.

V. SEQUENCE OF EVENTS

As Usual.

VI. REMARKS

None.

VII. ATTACHMENTS

None.

MEMORANDUM TO SALLY KATZEN

FROM: Michael Fitzpatrick

SUBJECT: SBREFA Requirements re Reagan Era Executive Orders

In response to your request during our mid-June meeting regarding SBREFAs E.O. analysis reporting requirements, members of our "E.O. Task Force" have reviewed the relevant executive orders and prepared analyses on current compliance and how the Administration should respond. A summary of their reviews and my recommendations follow.

E.O. 12606 -- Family

Review (Jeremy Ben-Ami/DPC)

\*DPC believes the policies embodied in this E.O. are consistent with the Administrations approach to family issues, and has no policy objections to applying these criteria to regulatory review in the short term.

\*Following the events in November, minor adjustments to the policy language might be appropriate.

\*Once we have determined how to handle this E.O., DPC believes we should consider whether it should present a report to the President on this subject.

Discussion & Recommendations

\*Thus far, our "go slow" approach has allowed us to avoid making a hard decision on how to proceed. The House Government and Oversight Committee (GRO) staff, however, continue to work with GAO to design their monitoring process, which will no doubt include collection of quantitative data on what percentage of the major/non-major rules have complied with this E.O.s certification requirement.

\*At some point, we likely will have to decide how to proceed, either because the GAO data collection effort finally gets underway, or because we do not want to appear to be avoiding the requirements of a bill we supported, particularly on a critical issue like the family.

\*Because the policies in this E.O. are consistent with the Administrations, because we are hip-deep in an election, and because family values is a central issues in this campaign, rescinding the E.O. does not seem to be an option. These factors also cut against any sort of "Hey, but the Reagan/Bush Administrations didnt comply either" response/defense.

\*The best course is to have the agencies develop a process by which they can comply, with minimal burden, with the E.O.s certification requirements. Thus, these rules will register

as complying in GAOs data collection process. For the relatively few major rules that will be issued between now and November, agencies should spend additional time and effort in conducting a substantive review of the review under the E.O. SBREFA requires that GAO prepare an analysis of these major rules for Congress. OIRA staff can assist the agencies during OMB review.

After November, we can return to the issue and determine whether to rescind, modify, or continue without change the E.O.

E.O. 12612 -- Federalism

Review (Elena Kagan/WH Counsel)

\*Elena found less overlap than hoped between the Reagan Federalism E.O. (12612), and the Presidents Unfunded Mandates (12875) and Civil Justice Reform (12988) E.O.s.

\*The Civil Justice E.O. doesnt say much about preemption (it simply instructs agencies to be clear in their rules when they intend to preempt state and local law).

\*While the Unfunded Mandates E.O. establishes a presumption against unfunded mandates and encourages regulatory waivers, the Reagan Federalism E.O. goes much further by:

- instructing agencies to assess the justification and constitutional basis for actions impinging on states;
- requiring in such cases a clear statement of constitutional authority and the necessity for national action;
- establishing a presumption against uniform national standards and deference toward state standards and policies; and
- interpreting statutes not to preempt state law unless they do so expressly.

Discussion & Recommendations

\*At best, we can say that the Unfunded Mandates E.O. goes in the same general direction as the Reagan E.O., but it would be a stretch (at a minimum) to claim that it replaces the Reagan document.

\*Elena and I concur that repealing the Reagan E.O. is probably not an option at this time, for many of the same reasons expressed with regard to the Family E.O. And as with the Family E.O., the GAO reporting process and/or GRO will probably force our hand; we will have to take some action. We believe that the best course of action is to explore ways in which agencies can comply with the requirements with minimal burden. Like the Family E.O., we can pay particular attention to the major rules which will be subject to GAO analysis.

E.O. 12630 -- Takings

Review (Linda Lance/OVP & Tom Jensen/CEQ)

\*Linda and Tom have canvassed most of the relevant agencies (Army Corps, DOI, EPA, and DOJ) and the good news is that it appears they are making good faith efforts to comply with the E.O.s requirements. Linda has more detailed information on each of the four agencies, but the bottom line is that the Army Corps appears to be the most active, having completed 400-500 TIAs since the E.O. took effect. DOI and EPA have done the fewest, about a

half-dozen, but they have reviewed all their regulatory actions to determine if a takings analysis is appropriate.

\*All of the agencies have guidelines for implementing the E.O., which were approved by the Bush Administration. The guidelines contain some differences in their assessment of when TIAs are required.

\*The bad news is that CBO has requested from DOI and Army Corps copies of TIAs as well as the names and numbers of field attorneys who prepare them. The purpose of the request is not yet clear.

#### Discussion & Recommendations

\*Tom, Linda, and I agree that rescinding the E.O. would not be appropriate at this time, both because of the campaign and because agencies appear to be complying with a minimum of burden.

\*The far thornier issue is how to deal with the CBO request (which may not be so sinister), and the anticipated requests from GAO (as SBREFA appears to require that these TIAs be provided to GAO for every rule, and nary a one has probably gone up, or is likely to unless agencies are so instructed), or even McIntosh and Government Reform and Oversight (probably sinister).

\*All those involved claim that the TIAs are protected by attorney-client privilege and are exempt (exception 5) from FOIA. At least one court has concurred on the privilege point. The problem, however, is that attorney-client arguments wont work (in the end) with Congress. Nor will FOIA exemption claims. And Bob Damus believes claims of executive privilege or "deliberative process" may be difficult to defend. My last conversation with Jack Quinn indicated he would agree with Bob (Elena confirms that WH Counsel would be wary of using these defenses).

\*As a result, Tom, Linda, and I agree that the best course is to see if we, or the agencies independently, can work with Congress to develop a middle ground, where they could receive the data/information they require, without undermining what up to now has been a candid, and useful, takings analysis process.

cc:Kumiki Gibson  
Linda Lance  
Elena Kagan  
Paul Weinstein  
Jeremy Ben-Ami  
Tom Jensen  
Jeff Hill

\*March 10, 1999

MEMORANDUM FOR GENE SPERLING

FROM: CARL HAACKE

RE: Meeting on comparable worth and equal pay

I. Background on meeting

On Wednesday, March 10, Elena Kagan held a meeting to review a comparable worth proposal by Sen. Tom Harkin/Rep. Eleanor Holmes Norton and a proposal for pay gap data collection by Sen. Tom Daschle. There is some time pressure to develop an Administration position for Equal Pay Day on April 8th. My understanding is that Sally Katzen and Jon Orszag have been involved in the process. Jon Orszag and I met before the meeting and attended together.

\*The Harkin/Norton proposal would prohibit employers from paying lower wages for jobs dominated by employees of a particular sex, race or national origin than for jobs dominated by employees of the opposite sex, race or national origin for work on "equivalent jobs." Equivalent jobs are defined as a "composite of skills, effort, responsibility, and working conditions."

\*The Daschle provision would require employers with 100 or more employees to report to the EEOC pay information by race, sex and national origin. In the past we signed on to a Daschle bill to improve enforcement of equal pay, but insisted on removing the data collection provision. Since then, Daschle faced serious attacks and appears determined to reintroduce it.

II. Highlights of the meeting

Harkin proposal

\*Ida Castro and EEOC representatives spoke strongly in favor of the Harkin/Norton proposal. Most others forcefully opposed the measure, indicating that:

1) Using a 1988 survey, CEA said that the 72.4 percent pay gap in 1988 closed to 80.5 percent after controlling for education, and part-time and full-time work experience. This gap closed further to 88.2 percent after controlling for broad occupation, industry categories, and collective bargaining. None of these factors would be addressed by comparable worth. That left about 12 percent of the gap unexplained that the Harkin bill may address some part of, but data is not available to determine how much. Thus, we don't really know the benefits of the proposal.

2) The costs could be very high in the form of: administrative burdens to employers and creating damaging wage rigidities in the economy.

3) Finally, there was agreement in the room that it was too soon to sponsor a Harkin bill because there was not enough awareness or consensus in the country about pay gap issues to make it politically worthwhile. Elena suggested that the Administration begin a dialogue about comparable worth issues with the public. Jon Orszag warned that this may leave us vulnerable to criticisms that we are not doing anything about it.

#### Daschle proposal

\*Ida Castro and EEOC said that the pay data provision proposed by Daschle would assist them in conducting outreach efforts and audits of specific firms when employees file complaints under the Equal Pay Act.

\*It was never made clear exactly what the benefits would be, especially considering the administrative costs to businesses. Moreover, in their defense of the Harkin proposal EEOC indicated that comparable worth was necessary to move forward because their efforts enforcing equal pay were working fine. But then they said that data collection was necessary to improve their efforts to enforce the Equal Pay Act.

\*CEA pointed out after the meeting that the amount of data that would be collectable could be worse than collecting no data at all. At best, data could be collected about broad occupation categories. It could not ask about total work history, education and other factors about each employee that affects the wage gap. With this limited data, most firms would appear to have wage differentials based on gender, race or national origin, but EEOC could not distinguish between real discrimination and pay differences due to these other factors

\*Finally, CEA also said after the meeting that there are easy ways to scam the system by changing job titles and other cosmetic indicators to make their firms look like they are paying fair wages on superficial data collection forms.

#### III. Action

\*Elena Kagan closed by saying that the Administrations maneuvering room may be very limited because Daschle seemed determined to propose the data collection provision. A smaller group will meet again this week to consider specific language and possible alternatives.

\*You may want to meet with Jon Orszag and me soon on this, and then speak with Elena Kagan.

\*

June 9, 1998

#### EQUAL PAY EVENT

DATE: June 10, 1998

LOCATION: Rose Garden EVENT TIME: 2:30 pm - 3:30 pm

FROM: Bruce Reed

Gene Sperling

Audrey Tayse Haynes

#### I. PURPOSE

To commemorate the 35th anniversary of President Kennedys signing of the Equal Pay Act, to call on Congress to pass Senator Daschles and Congresswoman DeLauros equal pay bills, to announce a Council of Economic Advisors report on the gender wage gap, and to announce a Department of Labor report that provides a historical perspective on the wage gap.

#### II. BACKGROUND

You will be making remarks to approximately 150 people, including equal pay and civil rights advocates, labor leaders, business persons, legislators, and persons from Cabinet agencies. This is an opportunity to highlight womens progress since the signing of the Equal Pay Act and to call for legislative action on the remaining wage gap.

The CEA report shows that a significant gap between the wages of women and men remains today although it has narrowed substantially since the signing of the Equal Pay Act. In 1963, the year that the Equal Pay Act was signed, women earned 58 cents for every dollar men earned. Today women earn about 75 cents for every dollar men earn, a 29 percent increase over the 1963 levels. Despite these gains, there continues to be a significant gap between mens and womens wages, even after accounting for factors such as educational attainment, work experience, and occupational choice.

#### III. PARTICIPANTS

##### Briefing Participants:

Gene Sperling

Elena Kagan

Audrey Tayse-Haynes

Janet Yellen

Rebecca Blank

Cecilia Rouse

##### Event Participants:

The Vice President

The First Lady

Mrs. Gore  
Senator Barbara Boxer  
Congresswoman Eleanor Holmes Norton  
Dr. Dorothy Height, President Emeritus of the National Council of Negro Women (Janet Yellen and Deputy Labor Secretary Kitty Higgins will be seated on the stage)

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- YOU will be announced onto the stage accompanied by the Vice President, the First Lady, Mrs. Gore, Senator Boxer, Congresswoman Norton, and Dr. Dorothy Height.
- The First Lady will make remarks and introduce Congresswoman Norton.
- Congresswoman Norton will make remarks and introduce Senator Boxer.
- Senator Boxer will make remarks and introduce Mrs. Gore.
- Mrs. Gore will make remarks and introduce the Dr. Height.
- Dr. Height will make remarks and introduce the Vice President.
- The Vice President will make remarks and introduce YOU.
- YOU will make remarks.
- YOU will then work a ropeline and depart.

VI. REMARKS

Provided by Speechwriting.

Attachments:

- Background memo on Daschle Equal Pay Legislation and the CEA Report on the Wage Gap
- Executive Summary of CEA Report
- Photo of Signing of Equal Pay Act Legislation in Oval Office in 1963

June 26, 1997

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: Bruce Reed

SUBJECT: Tobacco Settlement Review Process

This memo sets forth the process we will use to review and evaluate the proposed tobacco settlement with relevant agencies, to seek input from the public health community, Congress, and others, and to present recommendations to the President. Our goal is to prepare a memo for the President by late July that: defines our public health and public interest objectives for a global settlement; weighs the settlement's strengths and weaknesses against those objectives and proposes possible modifications; summarizes the views of the public health community, Congress, and other affected parties; and lays out positions the President could take on the settlement proposal.

Interagency Review

The review will be carried out by four major workgroups:

I. Regulatory Issues (Chaired by Elena Kagan). Subgroups will look at: (a) FDA regulation of product content; (b) FDA regulation of access, advertising and labeling; and (c) restrictions on environmental tobacco smoke in public buildings and workplace settings. Participating White House offices are DPC, OMB, OVP, NEC, OSTP. Participating agencies are HHS, DOJ, DOL, GSA, EPA, Treasury.

II. Program and Budget Issues (Chaired by Chris Jennings). This group will examine programs to reduce smoking, expand children's health care coverage, and other proposed uses of settlement funds. Subgroups will consider: (a) Medicaid funds / children's health care; (b) education efforts (including grass roots programs); (c) smoking cessation programs; and (d) investments in health research, including nicotine research. White House offices are DPC, OMB, NEC, OVP, OSTP. Participating agencies are HHS, Treasury, DOL, USDA, Interior, VA, and DOD.

III. Legal Issues (Chaired by Elena Kagan). This group will consider a number of legal issues, including liability, litigation, document disclosure, and antitrust questions. White House offices are DPC, OVP, NEC, Counsel. Participating agencies are DOJ, HHS, Treasury, Interior.

IV. Industry Performance and Accountability (chaired by Bruce Reed). This group will analyze economic and international issues. Subgroups will assess: (a) the economics of the industry and the settlement's effects on, industry performance, federal revenues, consumers, farmers, etc.; (b) the incentives and penalties industry would face if children's tobacco use exceeds targets; and (c) Administration policy on tobacco-related trade and international issues, and the settlement's international implications. White House offices are DPC, NEC, CEA, OVP, OMB, OSTP; participating agencies are: HHS, Treasury, DOL, USDA, USTR, State, DOD.

Public Outreach

We will work with OPL and HHS to run a tightly focused public outreach effort designed to demonstrate the President is conducting a thoughtful, thorough review focused on the public health. Many groups covering a wide range of interests are affected by the proposed settlement. We will narrow our task -- and reinforce the President's focus on public health -- by hosting 6-8 highly visible White House meetings with small, select groups of health experts. We will encourage others to share their views through written comments and, where appropriate, meetings with agency staff.

Donna and I will host the White House meetings over the next three weeks. We will convene leading thinkers on tobacco, including: experts from national health organizations; Koop-Kessler advisory group participants; experts on nicotine addiction; local grass-roots advocates; state and local tobacco control officials; and childrens health advocates.

The first meeting will be on Friday. We will invite in Dr. Kessler and several members of the Koop-Kessler advisory group, including the American Cancer Society, American Medical Association and the American Lung Association (Koop is not available). The committee will not have finished its report, but will be able to validate the careful, thorough review the Administration is conducting, and praise the President for expressing concern over the proposals handling of nicotine regulation.

#### Congressional Outreach

-- this is a placeholder based on my conversation with Rich this morning. Rich is seeing if he can put off Lautenberg meeting until week after next--

If the President chooses to promote a settlement, he will need strong and broad Congressional support. Multiple committees in both the House and Senate would have jurisdiction over legislation enacting an agreement. The goal of our Congressional outreach process will be to strengthen relationships on the issue with key members, keeping the debate bipartisan. Today and tomorrow HHS is making calls to key Republican and Democratic members to let seek their input on how best to consult with the Hill in the coming weeks. We expect to conduct meetings with members the week of July 7, and will have a more detailed Congressional outreach plan by mid-week next week.

#### Press Plan

This issue is certain to attract considerable press attention throughout our review. Major news organizations have assigned entire teams to cover the tobacco settlement. After devoting so much coverage to the negotiations, the networks are determined to keep this issue alive. We should take advantage of that heightened interest to advance our public health message.

On Friday, Donna and I are prepared to brief the White House press corps on how we will conduct this review, who will be involved from within the administration, and what groups and outside experts we plan to consult. As noted above, on Friday we will also invite David Kessler and other members of the Koop-Kessler advisory group to discuss their efforts to develop an expanded blueprint on tobacco control.

The week of July 7, while the President is away, Donna and I will conduct the public health and Congressional meetings described above. This will give the press something to write about, and show that we're running an open process. The week of July 14, we will continue public health and Congressional meetings and bring in two groups of attorneys general --

the enthusiasts and the skeptics. The Vice President is willing to hold a public hearing with us in mid-July [Bruce -- let's talk about this -- there are downsides].

#### Schedule

We have planned the following schedule. HHS does not believe the review can be completed within 30 days, as the President suggested. We will work as quickly as possible to preserve that option but ensure a decision by early August at the latest.

Week of June 23: Work groups convened; subgroups assigned analytic tasks.

June 27: First outreach meeting and press briefing on process.

Week of June 30: Subgroups provide preliminary assessments; define remaining issues.

Week of July 7: Subgroups develop options for outstanding issues and synthesize work.

Continue White House meetings with public health groups.

Begin meetings with members of Congress.

Week of July 14: Principals review workgroup assessments and meet to firm up options.

Possible public hearing with VP

Week of July 21: Initial meeting with the President

late July/early Aug: Presidential decision

March 27, 1997

MEETING WITH GERALD MCENTEE

DATE: March 27, 1997

LOCATION: Oval Office

BRIEFING TIME: 12:00 pm - 12:15 pm (Oval Office)

EVENT TIME: 12:15 pm - 1:00 pm

FROM: Bruce Reed

I. PURPOSE

Labor leaders want you to hear first-hand their concerns regarding two welfare reform issues: to what extent can states privatize certain administrative functions of the Food Stamp and Medicaid programs, and whether worker protection laws -- particularly the minimum wage (Fair Labor Standards Act) -- apply to work programs under the new welfare law.

II. BACKGROUND

We have had a continuing dialogue with McEntee and other union representatives on these issues over the last several months, including White House meetings on March 10th and March 14th. Bruce has given the labor leaders private assurances that we believe the law requires the minimum wage to apply in most welfare to work programs, and the Vice President dropped some strong hints to the same effect at the recent AFL meeting. However, we have not yet responded to their concerns regarding a Texas proposal to privatize certain administrative functions of the Food Stamp and Medicaid programs. Please see the attached memo for more information on these two issues.

III. PARTICIPANTS

Briefing Participants:

John Podesta

Bruce Reed

Elena Kagan

Gene Sperling

**RF**

Event Participants:

Gerald McEntee, President AFSCME

John Sweeney, President AFL-CIO

Morton Bahr, President CWA

Andrew Stern, International President SEInternational U

Gerry Shea, Assistant to the President, AFL-CIO

John Podesta

Bruce Reed  
Elena Kagan  
Gene Sperling

IV.PRESS PLAN

Closed

V.SEQUENCE OF EVENTS

Discussion. Gerald McEntee should be the first union representative to speak.

VI.REMARKS

No formal remarks required.

VII.ATTACHMENTS

Attached is a memo discussing the privatization and labor protection issues in more detail.

September 21, 1997

To: Bruce Reed, Elena Kagan

From: Cynthia Rice

cc: Diana Fortuna, Christa Robinson

Subj: Event Ideas

Here are some possible ideas for upcoming events. I think we should prepare a scheduling memo ASAP for an October 31st event in Florida (currently there's an unclaimed event slot that day with planned fundraising events in Miami and Palm Beach). Off-the-top-of-my-head possibilities include: 1) An event with American Airlines, which has pledged to hire and train 100 welfare recipients at the Miami International Airport and is the first major employer to commit to the state's wage subsidy program; 2) an event with Goodwill Industries which is expanding its welfare to work program with help of an HHS grant; or 3) an event at one of the state's Work and Gain Economic Self-Sufficiency (WAGES) sites. One downside: such an event might give Gov. Chiles an opportunity to complain about FLSA.

DATE

TOPIC

LOCATION

DESCRIPTION

Oct. 31st

Welfare to Work

TBA

(POTUS in Miami and Palm Beach)

Announce applications for welfare to work competitive grants and publish regulations for welfare to work formula grants (by law, regulations must be published 90 days from Aug. 5th enactment, i.e. by Nov. 3rd). Could announce TANF regs if not already announced.

Nov. 15th

(Eli asked for 14th, but POTUS in Calif. on 15th)

Welfare to Work

San Francisco (POTUS in Sacramento and LA on 15th)

Welfare to Work "city challenge" a la St. Louis, with hundreds of companies pledging to hire welfare recipients. Could announce TANF regs if not already announced. Could announce the high performance bonus reg.

Nov. 18-19th

Welfare to Work

White House  
(POTUS in D.C.)

1) Meeting with 20 major CEOs to thank them for their welfare to work efforts; or 2) A larger event w/ CEOs

Date TBA

Teen Pregnancy Prevention

TBA

National Campaign to Prevent Teen Pregnancy is convening meeting of magazines for teenage girls to encourage them to do more to send the right messages to teens. They would like the First Lady to speak.

Late Nov. - early Dec.

Welfare to Work -- Federal Hiring

TBA

POTUS or VPOTUS could announce FY 1997 federal welfare hires (agencies will report by Nov. 15th hires through October 31st).

Dec. 2nd -- date now being held for Race Town Hall

Teen Pregnancy Prevention

D.C.

Meeting of religious leaders convened by the National Campaign to Prevent Teen Pregnancy to discuss strategies to prevent teen pregnancy.

December - January

Fathers- Child Support Enforcement

TBA

Announce with the National Football League a national "Don't Drop the Ball" campaign modeled after the one in Florida in which players from three professional football teams serve as role models and get the message out to fathers that they must support their children. Could combine with bipartisan child support computer systems announcement.

December-January

Teen Pregnancy Prevention

TBA

Announce the National Campaign to Prevent Teen Pregnancy's "Toolkit for States and Communities," on what they can do to help reduce teen pregnancy, funded by HHS.

January

Welfare to Work

White House

Quarterly meeting of the Vice President's Coalition to Sustain Success. One idea: to host with SBA a half day conference in which the POTUS and VPOTUS could speak via satellite to groups of small business, non-profit, and religious leaders across the country.

January-February

Welfare to Work

TBA

Announcement of welfare to work formula and competitive grants.  
(Formula grants to states will be ready to announce in January, for states that file plans by Dec. 12th; competitive grant awards will be ready to announce in February.)

April 30, 1998

Teen Pregnancy Prevention

White House

Like last year, the National Campaign to Prevent Teen Pregnancy would like an event honoring their members.

September 22, 1997

To: Bruce Reed, Elena Kagan

From: Cynthia Rice

cc: Diana Fortuna, Christa Robinson

Subj: Event Ideas

You had suggested that we should make as many announcements as possible out of the rollout of the \$3 billion grants. Here are some possible ideas for these and other possible welfare events, including the October 1st child support idea you mentioned this morning which I am starting to work on.

Christa tells me the October 31st event in Florida is planned as a return to the school the President skipped when he hurt his knee. However, she suggests we do a scheduling memo ASAP if we want to anything around that time. She is also checking into the October 1 and November 15th dates.

DATE  
TOPIC  
LOCATION  
DESCRIPTION

Around

Oct. 1st

Child Support Enforcement

TBA

Release data showing success of Treasurys effort to collect overdue child support from federal employees and contractors; announce new rules to prevent doctors who owe child support from getting payments from Medicare; unveil the national new hire reporting system which goes on line October 1st; and call upon the Congress to enact Administrations proposal for tougher sentences for parents who cross state lines to avoid paying child support.

DATE  
TOPIC  
LOCATION  
DESCRIPTION

Oct. 31st - Nov. 4th

Welfare to Work

TBA

Make three announcements:

- 1) Announce availability of applications for welfare to work competitive grants;
- 2) Announce the regulations outlining the uses of the welfare to work formula grants (by

law, regulations must be published 90 days from Aug. 5th); and  
 3) Announce the regulations for the overall welfare law holding states accountable for the laws tough work requirements.

Nov. 15th

(Eli asked for 14th, but POTUS in Calif. on 15th)

Welfare to Work

San Francisco (POTUS in Sacramento and LA on 15th)

Welfare to Work "city challenge" a la St. Louis, with hundreds of companies pledging to hire welfare recipients. Could announce TANF regs if not already announced. Could announce the high performance bonus reg.

Nov. 18-19th

(Eli request)

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White House

(POTUS in D.C.)

1) Meeting with 20 major CEOs to thank them for their welfare to work efforts; or 2) A larger event w/ CEOs

Date TBA

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TBA

National Campaign to Prevent Teen Pregnancy is convening meeting of magazines for teenage girls to encourage them to do more to send the right messages to teens. They would like the First Lady to speak.

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D.C.

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DATE

TOPIC

LOCATION

DESCRIPTION

December - January

Fathers- Child Support Enforcement

TBA

**\*\*Need to investigate further\*\*** Announce with the National Football League a national "Don't Drop the Ball" campaign modeled after the one in Florida in which players from three professional football teams serve as role models and get the message out to fathers that they must support their children. Could combine with bipartisan child support computer systems announcement.

December-January

Teen Pregnancy Prevention

TBA

Announce the National Campaign to Prevent Teen Pregnancy's "Toolkit for States and Communities," on what they can do to help reduce teen pregnancy, funded by HHS.

January

Welfare to Work

White House

Quarterly meeting of the Vice President's Coalition to Sustain Success. One idea: to host with SBA a half day conference in which the POTUS and VPOTUS could speak via satellite to groups of small business, non-profit, and religious leaders across the country.

January-February

Welfare to Work

TBA

Announcement of welfare to work formula and competitive grants.

(Formula grants to states will be ready to announce in January, for states that file plans by Dec. 12th; competitive grant awards will be ready to announce in February.)

April 30, 1998

Teen Pregnancy Prevention

White House

Like last year, the National Campaign to Prevent Teen Pregnancy would like an event honoring their members.

\*  
April 16, 1999

## MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED  
ELENA KAGAN

CC: LORETTA UCELLI  
STEPHANIE STREETT

SUBJECT: POSSIBLE POLICY ANNOUNCEMENTS

## CHILDREN AND FAMILIES

1. Introduction of Legislation to Prohibit Discrimination Against Parents (late April/early May) The President proposed new federal legislation to protect parents from discrimination in the workplace. Senator Dodd is almost ready to introduce the Presidents proposal. Building on state law in Alaska, Michigan, New Jersey, and others, this legislation would protect workers from unfair assumptions about their commitment to their job that can affect hiring, advancement and other employment decisions. While this law would clearly not prohibit employers from making hiring and promotion decision on the basis of job performance, it would ensure that workers are not unfairly discriminated against simply because they are parents.

2. Release New Child Care Report (Ready May 1) At our request, HHS is developing a report on the high cost of child care for low and moderate income working families, and their needs for child care assistance. The report would include information on the expense of child care and present data on the specific costs of child care for families at certain income levels, making the case for the need for child care assistance. The report would also include previously released data on the small numbers of low income families currently receiving subsidies. [Please note, report does not exist yet, but HHS has agreed to produce it.]

3. Announce New After-School Grants (late May) (also submitted by Education team) The President could release \$100 million in 21st Century Learning Grants for after-school programs across the country, the second part of the \$200 million total grant distribution for FY 1999. This is an opportunity to highlight the after-school initiative in the Presidents FY 2000 budget, which triples funding for the program from \$200 million to \$600 million.

4. New Adoption Numbers (date tbd) The President (and First Lady) could announce the significant increases in adoptions since 1996. We will also be able to announce the awarding of the financial bonuses to states for their adoption increases.

## CRIME

The President could announce new pieces of 21st Century Crime Bill:

1. Victims/Bioterrorism (Week of April 19-24 -- Crime Victims Week and anniversary of Oklahoma City Bombing) The President could highlight provisions in his crime bill to address the threat of bioterrorism, and provide additional assistance to victims of crime. Bioterrorism: The crime bill includes new tools for law enforcement to address the emerging threat of bioterrorism and prevent future bioterrorism catastrophes. Specifically, the bill contains new criminal and civil penalties for:

- Possession of harmful dangerous biological agents not justified for peaceful purpose, in order to limit the availability of biological weapons to the general public;
- Unregistered possession of certain biological agents to ensure that appropriate authorities can track who is handling the most deadly agents;
- Reckless handling of harmful biological agents, similar to those already in place for radioactive materials and pharmaceutical products; and
- Possession of selected biological agents by restricted individuals, such as felons, fugitives, and the mentally unstable.

Victims: The crime bill contains a number of provisions to support victims, including expanded federal assistance to the victims of non-federal crimes and additional compensation and assistance to victims of terrorism and mass violence. The President could also renew his call for the Congress to pass a Constitutional Victims Rights Amendment.

2. New Firearms Proposals The week before the introduction of the crime bill, the President could unveil the new firearms proposals that will accompany that crime bill. This could be a White House ceremony with supportive Members of Congress. These new proposals include:

- a. Making permanent the Brady waiting period requirements that expired last November;
- b. Closing the gun show loophole and providing for background checks at all gun shows;
- c. Banning the importation of all large capacity ammunition clips (including those originally grandfathered by the Assault Weapons Ban);
- d. Banning violent juveniles from owning guns for life;
- e. Requiring federal gun dealers to sell child safety locks with every gun sold;
- f. Holding adults who allow children easy access to firearms criminally responsible for their reckless actions;
- g. Limiting the purchase of handguns to one per month (We have not yet decided to include this provision);
- h. Enhancing certain gun penalties, providing for the forfeiture of guns used to commit crimes, strengthening the federal firearms licensing system and procedures, providing for Brady background checks to purchase explosives, and more.

We may also be able to simultaneously release a new Justice Department report detailing how many illegal gun sales were stopped through Brady Background checks in 1998, and since the Brady Laws enactment (probably well over 300,000). [Still needs to be confirmed with Justice.]

## EDUCATION

1. Release Dept. of Educations Guide to Ending Social Promotion (Ready -- pending close of ESEA discussions) To announce the release of the Education Departments Guide to Ending Social Promotion, and to make clear that 1) the Presidents call to end social promotion does not mean simply retaining students, but providing a comprehensive approach to ensure that students meet promotion standards the first time, and 2) his budget includes the resources -- smaller class size, after-school, teacher quality, reading tutors -- to help states and school districts prepare students to meet high standards.

2. Release Charter Schools Study(Ready now) This is the third year of a five year study. The study contains updates from previous years on such issues as school size, reasons parents give for sending their kids to charter schools, reasons for starting schools, etc. POTUS could visit a DC charter school and 1) release the report, 2) highlight the choice \$ in the FY2000 budget, 3) perhaps announce the competition for the new funds won in the FY99 budget, and 4) reaffirm support for charter schools and refute allegations that Bill Lan Lee is using civil rights enforcement to undermine charter schools. We have a recommendation for a charter school in D.C. that the President could visit in conjunction with this announcement.

3. Release of Update on Tennessee Star Study on Class Size (April 29) Sen. Murray, NEA and other education groups are planning to release this report at the National Press Club. The Start study is a longitudinal study that is tracking the academic progress of children in Tennessee who were assigned to small classes in grades K-3 as part of an academic reform experiment. Earlier results from the study showed that children that were in these smaller classes did better in the early grades, and continued their academic performance even after being returned to larger classes.

4. Gun-Free Schools Act Data (May) The President could release data on the number of violations of the gun-free schools act. Also, the Safe and Drug-Free Schools Office will award schools that have achieved significant gains in making their schools safer.

5. 45th Anniversary of Brown v. Board of Education (May 17) To commemorate the anniversary of this 1954 Supreme Court decision outlawing segregated schools, the President could highlight a new initiative in his FY 2000 budget for interdistrict magnet schools. This budget proposal includes at \$10 million increase in the existing magnet school grant program to develop high-quality special programs at schools that are open to all students from participating districts to reduce racial isolation. This expansion would be targeted toward urban districts with high concentrations of minority and poor students that partner with suburban districts. This increase would fund 5-10 grants to states for planning and implementation activities.

The President could also highlight an initiative to help prepare disadvantaged students for AP courses and tests, thereby increasing their access to college -- and helping to make entering college classes more diverse. We have requested \$20 million for the Advanced Placement Incentive program, an increase of \$16 million, to increase opportunities for students to enroll in and complete advanced courses and train teachers for those courses. We could also highlight the Presidents request of \$240 million for Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), and increase of \$120 million, to help give an estimated 381,000 disadvantaged students the skills and encouragement they need to successfully pursue postsecondary education. This request would support early intervention services such as mentoring, tutoring, and career counseling in nearly 1,000 high-poverty middle schools.

6. America Counts (late May) America Counts is putting together a "National Commission on Mathematics and Science Teaching for the 21st Century", which Senator John Glenn has agreed to chair. This commission will review the current state of American K-12 math and science education, and produce a report focused on specific action steps that federal, state and local policymakers can take to address teacher supply and quality issues in math and science education. The announcement of the full committee should be ready sometime in late May.

7. Release Department of Education Report on School Choice (Scheduled to be ready in June, but slightly flexible) This report will describe the various options for public school choice in districts across the country. The report could be released during a visit to a worksite, charter, magnet or other innovative school. We could also highlight the public school choice section of ESEA. [If the President travels to FL, MN or CA we could highlight the new initiative on worksite schools. These are mainly K-3 schools that allow working parents to have their children attend a school at the work site. Parental participation at these schools is particularly high.]

#### HEALTHCARE

1. New Actions to Protect Blood Donors and Transfusion Recipients. (June) We could announce new actions by the Food and Drug Administration to safeguard the safety of our blood supply. These actions include adding new requirements for testing of blood or plasma prior to release or shipment, requiring blood banks to take measures to prevent the spread of Hepatitis C, such as quarantining prior collections from donors who subsequently test positive for Hepatitis C, taking action to identify donors at increased risk of transmitting the disease, and conducting outreach efforts to locate transfusion recipients who may have received infected blood. These actions respond to a series of recommendations made by the GAO, the Institute of Medicine, and the House Committee on Government Reform and Oversight and take critical new steps towards assuring the safety of our blood supply.

2. Patients Bill of Rights/Presidential Rank Awards for Distinguished Executives. (OPM has submitted a scheduling request for this but we could likely tie it in with our issues, particularly, PBOR): The President could announce the 52 awardees from many federal agencies. These winners are members of the Senior Executive Service (SES) whose work has improved the programs and the federal departments where they work in innovative ways. Both the President and Vice President have announced these awards in past years. There is already a scheduling request in at Cabinet Affairs for April 29. OPM proposes to tie the announcement of the winners with highlights of the Administrations policies -- e.g., OPMS winner, Ed Flynn, helped develop the federal governments Patients Bill of Rights. Mr. Flynn and OPM also helped develop the federal governments long-term care proposal. NOTE: This event could only be done in the context of a larger Patients Bill of Rights announcement.

#### CIVIL RIGHTS/IMMIGRATION

1. Asian American and Pacific Islander Executive Order (May) A proposed EO, entitled Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs, is currently pending clearance. This EO was proposed by Asian Pacific American leaders to address the fact that Asian Americans and Pacific Islanders are underserved in certain federal programs, including health, education, housing, labor, and economic and community development. The EO is similar to EOs addressing under-representation of African-Americans and Latinos in federal education programs. This EO is more focused on health and human services. The President could participate in a signing ceremony or event during May, which is Asian Pacific American Heritage Month.

2. Public Charge Regulation Roll-Out (May) The INS is expected is to release a proposed regulation that clarifies the basis upon which a immigrant may be found a "public charge" for the purposes of exclusion, adjustment of status and deportation. Studies and anecdotal evidence have shown that legal immigrants and sometimes U.S. citizens who are eligible to receive federal public benefits such as Medicaid and participate in the Children Health Insurance Program (CHIP) are not applying for those benefits for fear that they will be penalized under immigration laws. State and local governments, immigrant

advocacy groups, health care organizations, Members of Congress and others have been pressing for guidance on this issue for nearly a year and are very anxious to get clarification as soon as possible. The President could make a public statement about the regulation and urge Congress to enact his FY 2000 budget proposals that provide states the option to provide health services to immigrant children and pregnant women and provides food stamps benefits to legal immigrants.

3. Race Book Roll-Out (May?) Discussions are currently under way regarding methods to roll-out the race book when it is completed. Under consideration are: 1) White House announcement, with simultaneous events hosted by Cabinet across the country; 2) White House event coupled with announcement of either a White House Conference on Race or a series of sectoral leadership conferences across the country; 3) roll-out at a White House Conference on Race; or 4) book announcement at an out-of-D.C. location, e.g., University of Mississippi, where they are opening the Institute for Racial Reconciliation.

#### TOBACCO

1. Release Report on Youth Smoking Prevention (Early May) Release new report showing how few states are investing tobacco settlement funds to prevent youth smoking (report being prepared by outside public health groups), using the event to call upon the Congress to ensure settlement money is used to prevent youth smoking.

2. Unveil new measures making the tobacco industry documents more accessible. (May) On May 23rd, the tobacco companies are supposed to make certain specified documents available on their web sites, according to the terms of the state settlement.

3. Statement on Full FDA Authority Over Tobacco Products (April-May-June) Make a strong statement in support of full FDA authority on the day the Supreme Court makes a decision on whether to review the FDA case from the Fourth Circuit. If the court takes the case, arguments will be considered in the 1999-2000 session. Whether or not the court decides to take the case, we should continue to push for legislation to confirm the FDAs authority over tobacco products. While the court refusing to take the case would be a setback, it may provide us with additional ammunition to argue for a change in statute.

4. Announce the Filing of Department of Justice Litigation Against the Tobacco Industry. (Date tbd)

#### WELFARE/EMPLOYMENT

1. Welfare to Work Transportation Grants (Late April-early May) The President could announce the awarding of \$75 million in welfare to work transportation grants, using the opportunity to promote our welfare to work spending proposals including doubling funding for these grants in FY 2000. These will be the first grants awarded under the Administrations Access to Jobs initiative included in TEA-2. This would ideally be announced in a state or community who is receiving a grant.

2. Announce Federal Governments Model Plan for Employment of People with Disabilities (May) (currently being revised). This plan, directed by the U.S. Office of Personnel Mangament (OPM), is based on recommendations from the Presidential Task Force on Employment of Adults with Disabilities. The Model Plan will address the following areas: recruitment

and hiring; reasonable accommodation; career opportunities; and data collection.

3. Food Stamp Regulations (May-June) Announce new Food Stamp regulations to improve access for working families (in development; regulatory offsets needed).
4. Fathers Day Message (June 20 -- note that the President will be out of the country on this day) Issue guidance to states and communities on how federal programs (including TANF, WtW, child support, and others) can support responsible fatherhood, using the opportunity to plug our Welfare-to-Work reauthorization initiative. There are two related conferences occurring around this time: the National Fatherhood Institute Summit in Washington on June 14th, which will include a bipartisan group of mayors, and an International Fatherhood Conference sponsored by the National Center for Strategic Non-Profit Leadership in San Francisco 5/31 - 6/3. (Could make a good VP announcement.)
5. One-Stop Employment Center Event (June-July) The President could announce new employment numbers (due out June 4/July 2nd) at a One-Stop centers created by the new Workforce Investment Act to provide employment and training assistance.
6. Ninth Anniversary of the Americans with Disabilities Act. (July 26) Announcements to be developed.
7. Welfare to Work Partnership Convention, Chicago, IL (August 2-4) Address the Welfare to Work Partnership convention in Chicago, August 2 - 4 of several thousand businesses from dozens of cities. The President could announce the \$200 million in high performance bonuses for states that have done the best job placing welfare recipients in jobs and ensuring they succeed in those jobs, and announce the first Individual Development Account grants to help low income families build assets, which should be ready July 27th. If caseload reductions continue at current pace, the President should be able to announce that the President has cut welfare rolls in half since he took office. This event could serve to mark the third anniversary of the welfare reform law (8/22/96) and the 2nd anniversary of the Welfare-to-Work program (8/5/97).

#### HOMELESS

1. Homeless Report. (Tentatively ready in a month, likely sooner if we pushed for it.) We could announce the results of the National Survey of Homeless Assistance Providers and Clients, which is the first-ever comprehensive survey of both clients and providers of homeless programs funded by the federal government. Representatives of 11,909 programs out of an estimated 40,000 nationwide were interviewed, and 4,207 people who use the programs were interviewed. The survey will show that 15 percent of the homeless respondents have one or more children under the age of 18 with them; that 28 percent of respondents say they sometimes or often do not get enough to eat, compared to 12 percent of poor Americans; and 38 percent report alcohol use problems, 26 percent drug use problems, and 39 percent mental health problems, and 66 percent report one or more of these problems. The report does not estimate the total number of homeless persons. The announcement of the survey could be combined with another push for our FY2000 budget for HUD which includes \$1.125 billion for homeless assistance. If enacted, the \$1.125 billion will be the largest ever appropriation to HUD for homeless assistance.

#### FOOD SAFETY/NUTRITION

1. Food Safety Event. (Timing: OMB wants time but could be pushed to get the rule out.) We can urge Congress to pass funds for our food safety initiative, support Harkins bill to give USDA recall authority for tainted food, and announce a new rule regulating eggs to prevent salmonella. The FDA rule now at OMB (and its USDA companion already completed and set to go into effect in August) will require eggs to be kept at 40 degrees and put warning labels to consumers on each carton. There are at least 800,000 cases of salmonella a year and eggs are the leading culprit. They project a median savings of \$700 million in reduced health care costs (OMB analysis includes a range of \$87 million to \$6 billion). The cost of the rule to companies is \$60 million the first year, \$10 million a year afterwards. USDA also has a reinventing government rule clearing OMB to move from a regulatory approach on sanitation of meat and poultry plants to a performance setting standard method which companies will like and shows we are interested in flexible means of achieving goals.

2. Nutrition Executive Order. (Late May) USDA and consumer groups have urged us to establish an inter-agency council on nutrition. While there has been a relatively recent scientific recognition of the important connection between diet and disease prevention, (well-covered in Newsweek, Time, and elsewhere), the Administration has little coordination between our health and nutrition programs at HHS and USDA. If given a choice, the groups would prefer a WH Conference on Nutrition and have approached Chris Jennings about it. The Council would operate like our food safety council and hold public hearings, report on what we know about the topic, and recommend ways to link our programs at HHS and USDA better.

#### NATIVE AMERICANS

1. Native American Education Foundation. (Needs to go through OMB clearance, possibly ready by May). The Department of the Interior proposes legislation to establish a non-profit Native American Education Foundation. This legislation would create a foundation similar to the National Park Foundation and would permit the Foundation to solicit donations for the furtherance of Native American education for grades K-12. While there is an American Indian College Fund, there is no existing non-profit that focuses on this issue of K-12 education for Native American children. The Foundation would be able to give funds to support projects such as developing American Indian cultural curriculum, research on American Indian education, and initiating model programs to improve Native American education. This effort would build upon the Native American executive order that the President signed last August. Senator Inouye has indicated that he would like to sponsor this legislation, and Interior expects that they will be able to garner additional support. This proposal has received support from the Native American education community, particularly from the National Indian Education Association (NIEA) and the American Indian Higher Education Consortium (AIHEC). OMB is worried that staffing the Foundation would cost money, Interior is trying to reach an accommodation.

#### ENDANGERED SPECIES

1. Endangered Species Act Delistings
  - a. Bald eagle -A proposal to delist the bald eagle is set to be announced on July 4, 1999. Perhaps we should push to move up.
  - b. Peregrine falcon -Similarly, the final proposal to delisting the peregrine falcon is set to be announced in August 1999.

\*  
April 22, 1999

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED  
ELENA KAGAN

CC: LORETTA UCELLI  
STEPHANIE STREETT

SUBJECT: POSSIBLE POLICY ANNOUNCEMENTS

CHILDREN AND FAMILIES

1. Introduction of Legislation to Prohibit Discrimination Against Parents (Early May) The President proposed new federal legislation to protect parents from discrimination in the workplace. Senator Dodd is almost ready to introduce the Presidents proposal. Building on state law in Alaska, Michigan, New Jersey, and others, this legislation would protect workers from unfair assumptions about their commitment to their job that can affect hiring, advancement and other employment decisions. While this law would clearly not prohibit employers from making hiring and promotion decision on the basis of job performance, it would ensure that workers are not unfairly discriminated against simply because they are parents. NOTE: This could be coupled with the HHS report on child care. It is a potential topic for a Mothers Day radio address.

2. Release New Child Care Report (Early May) At our request, HHS is developing a report on the high cost of child care for low and moderate income working families, and their needs for child care assistance. The report would include information on the expense of child care and present data on the specific costs of child care for families at certain income levels, making the case for the need for child care assistance. The report would also include previously released data on the small numbers of low income families currently receiving subsidies. NOTE: This report could be coupled with the legislation to prohibit discrimination against parents. It is also a potential topic for a Mothers Day radio address.

3. Announce New After-School Grants (By First Week in May -- possibly ready last week in April) The President (or Vice President or First Lady) could release \$100 million in 21st Century Learning Grants for after-school programs across the country, the second part of the \$200 million total grant distribution for FY 1999. This is an opportunity to highlight the after-school initiative in the Presidents FY 2000 budget, which triples funding for the program from \$200 million to \$600 million.

4. New Adoption Numbers (Early Summer) The President (and First Lady) could announce the significant increases in adoptions since 1996. We will also be able to announce the awarding of the financial bonuses to states for their adoption increases.

5. Family Report (The report is still in preparation but we hope to have it ready within

three weeks.) The Council of Economic Advisors has prepared a report on changes in the labor market over the last 30 years that effect families. The report will demonstrate the increased difficulty of balancing work and family and highlight the need for policies that support parents trying to raise a family. Specifically, the report will identify a decrease in the amount of time available to parents to be with their children since 1969 and identify several related developments, including: an increase in the number of women working and the hours they work; an increase in the number of single parent families; and increases in income for most families. NOTE: This report could be released as part of the Presidents Grambling State University commencement address.

## CRIME

1. Victims/Bioterrorism (Before May 12) The President could highlight provisions in his crime bill to address the threat of bioterrorism, and provide additional assistance to victims of crime.

Bioterrorism: The crime bill includes new tools for law enforcement to address the emerging threat of bioterrorism and prevent future bioterrorism catastrophes. Specifically, the bill contains new criminal and civil penalties for:

- Possession of harmful dangerous biological agents not justified for peaceful purpose, in order to limit the availability of biological weapons to the general public;
- Unregistered possession of certain biological agents to ensure that appropriate authorities can track who is handling the most deadly agents;
- Reckless handling of harmful biological agents, similar to those already in place for radioactive materials and pharmaceutical products; and
- Possession of selected biological agents by restricted individuals, such as felons, fugitives, and the mentally unstable.

Victims: The crime bill contains a number of provisions to support victims, including expanded federal assistance to the victims of non-federal crimes and additional compensation and assistance to victims of terrorism and mass violence. The President could also renew his call for the Congress to pass a Constitutional Victims Rights Amendment.

2. Release 1997 Local Police Departments Report (could be done with Crime Bill Launch on May 12) This report presents data collected from more than 13,000 general-purpose local police departments nationwide, and should confirm at broad level that the goals of our community policing efforts are being met. The report includes data on law enforcement levels, hiring, and the numbers of officers engaged in community policing.

2. Race and Crime Event (May) The President could release one or several reports on community perceptions regarding 1) crime and police and 2) police use of force.

3. Release 1998 ADAM Report (late April/May) The President could release the Arrestee Drug Abuse Monitoring (ADAM) Report, which includes data on the prevalence of drug use by arrestees. The report will include findings from several ADAM sites regarding use of cocaine, heroine, and methamphetamines among adult and juvenile arrestees.

4. Release 1998 Brady Check Report (TBD) The 1998 Presale Handgun Checks Report provides a national estimate of handgun purchase applications, the number rejected, and the reasons for rejection. The estimate includes the entire interim period provided for under the Brady Act, as well as the first months activities under the permanent provisions of the Act that took effect on November 30, 1998.

## EDUCATION

1. Release Charter Schools Study(Ready now) This is the third year of a five year study. The study contains updates from previous years on such issues as school size, reasons parents give for sending their kids to charter schools, reasons for starting schools, etc. The President could visit a DC charter school and 1) release the report, 2) highlight the school choice funding in the Presidents FY2000 budget, 3) perhaps announce the competition for the new funds won in the FY99 budget, and 4) reaffirm support for charter schools and refute allegations that Bill Lan Lee is using civil rights enforcement to undermine charter schools.
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## HEALTHCARE

1. New Actions to Protect Blood Donors and Transfusion Recipients. (June) We could announce new actions by the Food and Drug Administration to safeguard the safety of our blood supply. These actions include adding new requirements for testing of blood or plasma prior to release or shipment, requiring blood banks to take measures to prevent the spread of Hepatitis C, such as quarantining prior collections from donors who subsequently test positive for Hepatitis C, taking action to identify donors at increased risk of transmitting the disease, and conducting outreach efforts to locate transfusion recipients who may have received infected blood. These actions respond to a series of recommendations made by the GAO, the Institute of Medicine, and the House Committee on Government Reform and Oversight and take critical new steps towards assuring the safety of our blood supply.

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#### WELFARE/EMPLOYMENT

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December 16, 1998

MEMORANDUM FOR BRUCE REED  
ELENA KAGAN

FROM: DPC STAFF

SUBJECT: DPC ANNOUNCEMENTS

Following is a list of possible DPC announcements which you requested.

Health Care -- Unveiling new sanctions and investments in quality oversight for nursing homes: To preempt the release of a GAO report in early January by Senator Grassley that criticizes our nursing home quality enforcement record, this event could highlight our aggressive efforts and a new investment of over \$90 million dollars to implement effective nursing home enforcement tools and improved nursing home quality and safety standards. These include proposing new Federal legislation imposing civil and criminal penalties on nursing homes committing repeated and egregious violations of Medicare or Medicaid regulations, increasing monitoring of facilities that are repeatedly in violation of quality standards, and establishing a new national commission to study the quality of care providing in nursing homes and assisted living facilities.

Health Care -- Announcing a new work incentives initiative for people with disabilities: The FY 2000 budget includes a historic workers incentive program that provides for continued and enhanced access to programs that empower people with disabilities to work. This package includes the Jeffords-Kennedy Work Incentives Improvement Act, which enables people with disabilities to go back to work by providing them with the option to buy into Medicaid and Medicare, a tax credit for work-related expenses for people with disabilities, a new program to integrate local employment-related and support services for adults with disabilities, and new efforts to provide assistive technologies to people with disabilities. The unemployment rate among the 30 million working-age adults with disabilities continues to be much higher than that of the general population -- close to 75 percent for people with significant disabilities, who cite their inability to retain their health coverage as their main impediment to returning to work. These announcements will reflect many of the recommendations included in the Presidents Task Force on Employment of Adults with Disabilities, and the overall initiative is strongly supported by the disability community. We may be able to coordinate the event with the bipartisan introduction of the Jeffords-Kennedy legislation.

Health Care -- Announce the Presidents multi-faceted long term care initiative: The President could release new budget initiatives designed to address the growing national need for high quality long term care services, including a new multibillion dollar long term care tax credit, proposals that provide Federal employees the option of purchasing private long term care insurance, educate Medicare beneficiaries about available long term

care options, and invest \$125 million dollars (if included in budget) in a new national program to support Americans who care for chronically ill or disabled family members or friends. About 2 million Americans live in nursing homes and another 5 million Americans live in the community, but have health problems that make them dependent on others for basic activities of daily living, such as bathing or dressing. This multi-faceted initiative addresses a growing problem and represents our first significant effort to introduce new long term care policy that is extremely important to the aging community.

Health Care -- Announcing new efforts to detect and manage bioterrorist attacks and resistant bacterial strains (superbug): The President could announce a new budget initiative to protect the country from the devastation of disease outbreaks due to bioterrorist attacks or bacterial strains that are resistant to treatment. The new program provides funding for a new disease surveillance system to collect and analyze epidemiological information on disease outbreaks, training epidemic intelligence officers to identify and respond to attacks, developing a mass casualty emergency response system, maintaining a stockpile of pharmaceuticals, and developing new vaccines and antibiotics that could be used in the event of an attack.

Health Care -- Unveil new FY 2000 budget anti-asthma initiative: We could unveil a new budget initiative that includes new funding for States to develop disease management programs through Medicaid and for EPA to conduct a national asthma awareness campaign, initiate community based activities to reduce asthma triggers in homes, and establish school based asthma programs in every community. This initiative is especially critical as the number of children afflicted with asthma has doubled to total about 6 million over the past 15 years.

Health Care -- Announcing new labeling requirements for over the counter drugs: The President could announce the release of a new regulation requiring pharmaceutical companies to label over the counter drugs in easily read and understandable language, ensuring that millions of consumers understand how to take medication safely and effectively. Presently, labels for over the counter drugs are often printed too small to read and in language that is often difficult to understand. This regulation will be ready for release in sometime in January; however, since the above mentioned initiatives are all budget related and may need to be released prior to the State of the Union address, we may want to consider holding this announcement for another time, since it will be timely regardless of when it is released.

Education -- Ending Social Promotions: We can release a guidebook from Education on ending social promotions, and announce our FY 2000 budget proposal to help schools do this with after-school money.

The guide is near completion, but not yet there, and Mike Smith and I have substantive differences in the tone and approach. Given the other things we are wrestling over, I'm not sure if we will get this done by the week between Christmas and New Years, but early-mid January is a good bet.

Education -- Implementation of New Education Initiatives: The grants announcements for GEAR UP and Teacher Quality (HEA Title II) are in OMB for review. The Guidance for Class Size implementation is in its second draft. These should be ready for announcement early-mid January.

Crime and Drugs -- Children Exposed to Violence Initiative: Each year millions of children

are the victims of violent crime and child abuse, or are exposed to domestic violence -- and many of these kids grow up and victimize others themselves. To help break this cycle of violence, the President could announce the availability of \$10 million for 15 cities to help launch a new Administration initiative to improve the criminal justice system's response to child victims and witnesses. Led by the Deputy Attorney General, Eric Holder, this year-long effort would focus on the following areas:

- (1) Improved Law Enforcement, including specialized training to improve police and prosecutors' handling of child witnesses and victims; new "Court Schools" to facilitate children's interaction with the courts and reduce secondary victimization by the criminal justice system; more detailed reviews of child deaths; and the establishment of Crimes Against Children Units in prosecutors' offices.
- (2) New Legislative Reforms, including changes to federal and state laws dealing with felony murder/pattern of abuse statutes, child neglect and endangerment, penalties for committing crimes in the presence of children, sex offender notification, and other issues related to child victims and witnesses.
- (3) Targeted Violence Prevention/Intervention, including Child Development/Community Policing programs that link law enforcement with mental health professionals to focus on troubled kids; Child Advocacy Centers to promote a community-wide response to child victims and witnesses; and nurse home visitation programs designed to educate parents and reduce child abuse.
- (4) Increased Awareness of Child Victimization as a National Problem, including a DOJ-sponsored National Summit on Children Exposed to Violence; four regional forums to promote the recommendations from the Summit; and the involvement of prominent child advocates (i.e., Oprah Winfrey, Rob Reiner and others).

Crime and Drugs -- Drug Offender Accountability: Following up on his directive calling for "zero tolerance" of drugs in prisons, the President could make a series of announcements reinforcing the Administration's strong commitment to using the coercive power of the criminal justice system to reduce drug use and crime. Specifically, he could make the following announcements:

- (1) The availability of up to \$50 million in FY 99 for prison drug testing/treatment. As part of the recent budget deal, the Administration fought for and won the flexibility for states to use their federal prison grants to drug test and treat prisoners/parolees. A state-by-state break-out of this funding could be released, as well as the official solicitation for funds. Also, MD Governor Glendening or Lt. Gov. Kennedy-Townsend -- who already plan to use these funds to test parolees -- could attend and speak in support of this initiative.
  - (2) \$200 Million in additional funding for FY 2000. The FY 2000 budget will include \$200 million to support drug testing, treatment and sanctions throughout the criminal justice system, and this information could be leaked as part of -- or just prior to -- the event.
  - (3) \$4 Million for Drug Detection in Prisons. ONDCP is prepared to release \$4 million in grants for 8 states (MD, CA, AZ, AL, FL, NJ, NY and KS) to implement drug detection technologies to help keep drugs from being smuggled into prisons.
  - (4) Report on Drug Testing/Treatment. Although not yet final, the Justice Department is working on several related reports that might be ready for release at this event.
- Crime and Drugs -- Crime Statistics: The President could announce the release of the Justice Department's 1997 National Crime Victimization Survey (NCVS), which we expect to

show a continued decrease in crime victimization rates. The NCVS measures overall victimizations reported by households, including violent crimes and property crimes. Last year's victimization rates were the lowest recorded since the inception of the survey 23 years ago; if the rates continue to decline -- as we expect -- they should hit record lows again. Also, we may be able to combine this with the release of \$16 million in COPS grants to hire over 200 officers. (NB: The timing for these announcements requires further coordination with Justice.)

Tobacco -- During Budget Rollout or State of the Union:

- (1) Announce that we will seek to recover federal costs caused by tobacco, through our budget and through a federal lawsuit.
- (2) Issue a directive to the Office of Personnel Management requiring enhanced coverage for federal employees of smoking cessation services, either by raising coverage limits (now only \$100 for most fee for service plans) or waiving deductible and copayments. At the same time, he could unveil his plans to provide improved smoking cessation services to veterans and members of the armed forces. New cessation coverage will be part of a comprehensive anti-tobacco plan to increase military readiness.

Welfare to Work -- Before Budget Rollout

- (1) Release new state work participation rate data showing that almost all states are meeting the welfare laws overall work requirement (requiring 25 percent of all welfare families with an adult to work), although some are failing to meet the laws separate two-parent requirement (requiring 75 percent of recipients in two parent households to work). These rates, for July - September 1997, are the first available under the new welfare reform law.
- (2) Highlight new data showing more recipients are working now than before welfare reform (using data from the March 1998 CPS Census survey and/or state data comparing 1997 to past years).

During Budget Rollout or State of the Union

- (3) Unveil new caseload data showing the welfare rolls have fallen below 8 million (down from 14 million when the President took office and 12.2 million when he signed the bill into law).
- (4) Announce that the Welfare to Work Partnership has met the Presidents challenge to sign up 10,000 businesses, and (possibly) that federal agencies have met the challenge to hire 10,000 welfare recipients -- ahead of the target date of 2000 (well know by the first week of January).
- (5) Announce our proposal for \$1 billion more in Welfare-to-Work funds to help those welfare recipients still on the rolls and face the greatest challenges get jobs and succeed in the work force. This revised program will contain a new emphasis on increasing the employment of low income fathers so they can better meet their responsibilities to their children, with a minimum of \$150 million for Responsible Fatherhood Grants.
- (6) Unveil a new child support law enforcement initiative to double the number of prosecutions of egregious child support violators by providing resources to identify,

investigate, and prosecute these cases. This effort will be part of a challenge to law enforcement in every state to join our national effort to ensure America's children receive the support that they need and deserve.

(7) Unveil new national public service announcements underscoring fathers responsibility to pay child support.

(8) Possibly release new 1998 figures showing additional increases in child support collections. (We do not have these data yet but are working on getting them by early January. These data will update our current statistics showing a 68 percent increase in child support collections since the President took office, which are based on 1997 data).

#### Post-State of the Union Amplification

(9) Announce the availability of funds for the third round of Welfare-to-Work Competitive grants, possibly including targeted funds for long term recipients with disabilities, low literacy skills or English as a Second Language, and/or substance abuse problems, using the opportunity to highlight the importance of the Presidents proposal for \$1 billion more for this program.

(10) Announce the competition for 50,000 new welfare-to-work housing vouchers, while highlighting the Presidents proposal for XX more. In October, the President signed into law funding for the 50,000 housing vouchers hed pushed for in last years budget and in late January HUD will be ready to release the request for local communities that want to compete for these vouchers.

(11) Announce the competition for \$10 million in funds for Individual Development Accounts while highlighting the Presidents proposal for more funds in his new budget. The Human Services Reauthorization bill signed by the President in late October authorized a five-year, \$125 million demonstration program to establish Individual Development Accounts to help low income families save for a first home, education and training, or to start a new business -- an effort the President called for in his 1992 campaign. However, the FY 1999 appropriations bill only funded \$10 million for this effort. HHS is required to announce the first grant competition by January 27th.

(12) Announce the competition for \$30 million in funds for targeted substance abuse treatment grants while highlighting the Presidents proposal for more funds in his new budget. These funds are available to address high priority unmet and emerging treatment needs identified by local communities and states, including women moving from welfare to work and criminal justice offenders.

Children and Families -- Title IX: Same description as before. Can be ready at any time.

Children and Families -- After-School/Social Promotion: We could preview this budget announcement in January.

Children and Families -- Child Care/Families: We could preview the entire initiative in January.

Children and Families -- Kids Aging Out of Foster Care: We had hoped the First Lady would do an event announcing the new budget initiatives on independent living/transitional living/Medicaid for children aging out of the foster care system. We could do the event

with the President in January.

Children and Families -- Mentoring Event: The First Lady is planning to do a mentoring event in which she would announce \$16 million in mentoring grants, release a report on the effectiveness of mentoring, as well as promote a new PSA campaign on mentoring. We are also exploring additional mentoring announcements from the Department of Education. This announcement will be ready around mid-January, and could be made by the President and First Lady in January.

Announcement Of Empowerment Zones Round II.

Food Safety Initiative. Our joint initiative with HHS and USDA to improve federal, state, and local enforcement of food safety laws.

Equal Pay. Our \$30 million project to provide women with better information about their right to equal pay and companies with the technical assistance to help companies better comply with the law.

JULY 17, 1997

MEMORANDUM TO ELENA KAGAN

FROM: CHRISTA ROBINSON

SUBJECT: PREPARATION FOR UPCOMING EVENTS

Attached are the shell versions of the briefings for upcoming events. I have e-mailed these to the lead staff person and I have designated below who is responsible for each item. My intern, Keil Green, will be attending meetings and working with the staff leads on these events. He prepared to add substantive additions to the briefing memos if the staff lead wants -- so he may be sending you documents to approve -- but the staff know they are responsible. I have also reiterated that nothing should be circulated to the Press Office or Staff Secretary without your approval (regardless of anyone else that may have approved it.) Keil will also make sure that participants are vetted for all events.

7/18/97 - Radio Address- (Youth Crime Gun Interdiction Initiative Report)

7:40 pm - 8:15 pm - Roosevelt Room.

Yesterday, it was decided that no guests will attend the taping of this address, so we "disinvited" the chiefs we had lined up to come. The ATF will organize regional press events to take place after the radio address is broadcasted on Saturday.

PAPER:

- 1) Briefing Paper: Megan Maloney
- 2) Memo from Rubin and Reno - Jose
  - 3) Charts & Graphs - Treasury to Press Office.
  - 4) Fact Sheet on Expansion of the Initiative - Jose
- 5) Q&A - Jose
- 6) Juvenile Justice Accomplishments - Neera

SCHEDULING CONTACT: Jen P./Rebecca Cameron PRESS CONTACT: Megan Maloney

7/22/97 - Signing of Executive Order on Tobacco

The event will probably take place around 2:30pm at HHS -- depending on when Shalala can arrive.

The Program will include: Shalala, Federal Employee, POTUS, and possibly Louis Sullivan if he can attend. Califano, Satcher will be in front row.

PAPER:

- 1) Briefing Paper: Elizabeth Drye
- 2) Executive Order - Elizabeth/Phil Caplan. The Executive Order will go directly from the Clerks Office to the Press Office.
  - 3) Fact Sheet - Elizabeth Drye will prepare and get to Press Office.
  - 4) Q&A - Elizabeth Drye will prepare and get to Press Office.

SCHEDULING CONTACT: Karen Finney PRESS CONTACT: Julie Green

SPEECH WRITER: Jordan Tamagni

7/23/97 - Immunization Event

1:30 p.m. - 2:30 p.m. - East Room

PAPER:

- 1) Briefing Paper: Jen Klein
- 2) Fact Sheet on event - Jen Klein
- 3) Background on Vaccinations - Jen Klein/HHS
- 4) HHS Immunization Report - Sarah Bianchi will get to Press Office.

SCHEDULING CONTACT: Setti Warren PRESS CONTACT: Megan Moloney

SPEECH WRITER: June Shih

7/25/97 - Education Standards Endorsements Event

10:45 am - Gateway Marriott in Crystal City at the National Association of Elementary School Principals Conference. The Program will be: NAESP Director (K. Balderston), Secretary Riley (K. Balderston), City Superintendent or local school board President (Mike Cohen), POTUS. Prior to the event, there will be a meet and greet with the representatives from each of the cities and states endorsing standards. My intern Keil Green will invite these people and make sure this group and the program participants are vetted. Keil will also coordinate the press activity and working meeting in the OEOB for this group following the event.

PAPER:

- 1) Briefing Paper: Mike Cohen
- 2) Fact Sheet - Mike Cohen/Bill Kincaid will prepare and get to Press Office.
- 3) 2 page Standards Background - Bill Kincaid
- 4) Q&A - Mike/Bill will prepare and get to Press Office.
- 5) Letters of support from the cities and states - Mike/Bill to Press Office.

SCHEDULING CONTACT: Karen Finney PRESS CONTACT: Julia Payne

SPEECH WRITING: Carolyn Curiel

Attached is an exit memo I put together to give you some thoughts on the issues I've worked on (I'm putting a hard copy in your boxes as well). If you have any questions, I'd be glad to talk to you tomorrow (my last day). [REDACTED] January 21, 1997

TO: Bruce Reed  
Elena Kagan  
FROM: Molly Brostrom  
RE: "My" Issues/Exit Memorandum

I wanted to give you general ideas on some of the issues on which I have worked while at the Domestic Policy Council and where I think it is important for DPC to remain involved. Attached are background and more specific thoughts for anyone who continues work in these areas.

Homelessness. At the request of the President, the Interagency Council on the Homeless became a working group of the Domestic Policy Council in 1993 (funded and housed at HUD). I think it is important to continue White House involvement with the ICH for a couple of reasons: 1) There is no other White House connection for advocates and providers. 2) The ICH is a useful body for interagency coordination and without White House involvement, the ICH will become another arm of HUD and will lose other agencies' involvement.

On the latter reason, there is increasing interest on the Hill and among advocates on ensuring that other agencies (HHS in particular) play a larger part in providing supportive services for the homeless (Lazio circulated a draft homeless bill last session that would turn HUD's Shelter-Plus-Care program into a rental assistance block grant to states). In addition, with increasing consolidation of homeless programs in the last couple years, it is increasingly important that "mainstream" programs (training, education, health care) reach out to and serve the homeless -- the ICH can press for and monitor this aspect.

Housing. The affordable housing needs in this country are critical -- and they play a key part in the success of moving people from welfare-to-work -- yet have received little White House attention. I think this is an area where DPC should continue and should increase its involvement: new housing policy ideas are needed and HUD is developing some that could benefit from White House backing. At the very least, a White House contact for advocates and interest groups is important.

A couple of specific items:

-The interest in providing Habitat access to surplus property should be monitored. Rep. Lazio's public housing bill contains a provision that would accomplish this -- HUD and HHS are supportive; they are working on amendments that would improve the Title V process. But GSA and OMB (the GSA side) are reluctant. The President has indicated he would like this proposal to happen.

-Nic Retsinas' Office for Housing at HUD is developing a Homeownership Tax Credit proposal that seems promising and for which they are looking for an advocate at the White House. The proposal would aim to increase homeownership among households with incomes below the national median by making investors eligible for a \$9900 tax credit that potential low/moderate income homeowners could use towards the downpayment or mortgage. I passed on further information to Paul Weinstein.

Veterans. The Interagency Veterans Policy Group was created in 1994 to provide a forum for interagency work on veterans issues and for White House communication with veteran service

organizations. DPC has been the lead, but it is co-chaired with us by Cabinet Affairs and Public Liaison with OMB involvement. I don't think continued DPC involvement is critical. I do think it is important for one office to take the lead and I would suggest Cabinet Affairs with OMB providing substantive support. I believe the IVPG has played an effective role in giving access to VSOs and thus muting criticism.

Seniors. With Chris and Jen/Pauline covering Medicare and Medicaid, and NEC and OMB the primary contacts on Social Security and pensions, the other seniors issues are relatively minor (the Older Americans Act is up for reauthorization this year--these programs are very important to senior groups--Bill White of Public Liaison and Ken Apfel's shop can cover).

I do think, however, that there is potential for a DPC person to work with HHS/Administration on Aging at looking at ways the federal government can work with states and localities to prepare for an aging population. Initiatives outside Medicare and Social Security are important and can divert attention from those two sticklers.

I hope this is useful, and I wish you the very best in your work at the Domestic Policy Council.

MEMORANDUM FOR ERSKINE B. BOWLES

THROUGH: Franklin D. Raines

FROM: Sally Katzen

Steve Kelman

SUBJECT: Heads-up on Contract Negotiations Final Rule

In our memorandum of May 1, 1997 (attached), we informed you of our plans to re-propose revisions to Part 15 of the Federal Acquisition Regulation dealing with competitive selection of sources and negotiation of contracts. The repropose rule was published for comment on May 14, 1997. We are now ready to issue the final rule revising Part 15.

These revisions will implement the first procurement recommendation of the NPR and are intended to make the Federal Government's processes more business-like, less regulated, and more pro-taxpayer. The negotiations process described in the final rule will encourage contracting officials to bargain hard to get the most value for the taxpayer, but it gives them substantially more flexibility in how they conduct negotiations. They will be authorized to allow more information to be presented orally and to provide offerors early advice as to their competitiveness for a particular acquisition. By being able to communicate more effectively with offerors earlier in the process, contracting officials will be able to focus their efforts on the most competitive proposals and make competition for government contracts much less costly, which ultimately should lower the prices paid, and increase the value received, by the government.

The final rule has the support of the GAO, to whom Congress traditionally shows great deference because of its procurement experience. A coalition of small business groups, including the Chamber of Commerce, continues to oppose the rule because they fear increased discretion will cause Federal contracting officials to discriminate against small businesses. We disagree with those concerns and do not believe that small businesses will be harmed by this rule. We have also gathered empirical evidence indicating that the problems they foresee are extremely unlikely to occur.

If you have any questions, please call either of us by COB Friday.

cc: Maria Echaveste  
Rahm Emanuel  
Thurgood Marshall, Jr.  
John Hilley  
Ann Lewis  
Sylvia Mathews  
Bruce Reed  
Elena Kagan

Victoria Radd  
Barry Toiv  
Michael Waldman  
Kathy Wallman  
Ed DeSeve  
Larry Haas

REbcc:

OFPP Official File  
WH Counsel  
Ms. Kamarck  
Mr. Sperling  
DO Chron  
DO Records  
General Counsel, OMB  
Mr. Lew  
Mr. Crawford  
DDM  
Ms. Blickstein  
Mr. DeSeve  
Mr. Kelman  
Ms. Katzen  
Mr. Weiss  
Mr. Brown  
Mr. Schooner  
Mr. Arbuckle  
OFPP/Chron/Reading  
Mr. Tash  
OFPP:NTash:mbdc 8/25/97 Control #:53026  
FILE:C:ERSKINE6.WPD EDITED 8/27/97:DDM 9/3/97:OIRA

December 3, 1998

MEMORANDUM FOR NEC PRINCIPALS

FROM: GENE SPERLING AND SALLY KATZEN

SUBJECT: Farm Safety Net

We are in the process of scheduling a principals meeting. Attached is a paper prepared by the working group for your review. Please discuss this with your staff so that you will be in a position to indicate your department or agency's views on the merits of each of the options.

Distribution List

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Agriculture - Glickman  
Treasury - Rubin  
Treasury - Summers  
OVP - Ron Klain  
OMB - Jack Lew  
CEA - Janet Yellen  
DPC - Elena Kagan

Executive Office of the President  
Office of Management & Budget

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To:  
Bruce Reed, Elena Kagan

Fax:  
6-2878  
Pages (inc cvr):  
2

From:  
Joshua Gotbaum  
Executive Associate Director  
OEOB Room 254  
Washington, DC 20503  
January 12, 1999 , 11:57 AM:  
(202) 395-9188 Fax (202) 395-4995

Re:

Tobacco Language

Please review the attached (re)edits. In particular, on page 1, I think were giving up a lot by not mentioning tying youth smoking in half to the \$1.10. Since the states have done much of the lifting, it doesnt seem a contradiction that we can finish the job for 55 cents. We also (a) modified the language on recoupment on page 2 to fudge, but not eliminate, the notion that the states must assume national commitments (by which we mean assume what are currently Federal programs); and (b) softened the farmer language a bit (since were not doing anything in the budget to help).

Were now on deadline, so please respond within the hour.

c:Cynthia Rice

11TO:Kevin Thurm  
Deputy Secretary

FROM:Bruce R. Lindsey  
Assistant to the President  
And Deputy Counsel

RE:Summary of Discussions on FDA-related Issues

DATE:June 4, 1997

As you know, much of the discussions with the tobacco industry have focused on FDA/public health related issues. While there is no final agreement, the following is a summary of those discussions to date. I would appreciate HHS/FDA's comments and suggestions on these issues.

1. Youth Access - The industry would agree to the full substance of the August 28 FDA youth access provisions. In addition, the industry would agree to the following:

- A.A ban on all vending machines;
- B.The placement of tobacco products behind the counter and out of reach of consumers;
- C.The restriction of mail order sales, subject to conditions that demonstrate that an effective mechanism to restrict sales to adults. FDA would have the authority to review and revise the rules concerning mail order sales within two years, if it determines that these sales are resulting in significant sales to or access to minors;
- D.While these provisions would be enacted into legislation, FDA would be given the administrative authority to augment and modify these rules after a set period of time, not to exceed 7 years, to further reduce tobacco use among minors;
- E.States and local governments would have the authority to enact stronger laws.
- F.A nationwide licensing system for all sellers of tobacco products with a system of graduated penalties and license suspensions for violations of the youth access and marketing provisions would be established. The licensing system would apply to all sellers of nicotine containing tobacco products, including manufacturers, distributors, wholesalers, retailers, importers;
- G.FDA would have the primary authority over the enactment of regulations concerning these provisions and full enforcement authority over them. However, there would be dual enforcement authority with both the FDA and state attorneys general each, being able to enforce these provisions and, in addition, the FDA would have the power to contract with other state and local authorities to assist it in enforcing the rules;
- H.Enforcement would include unannounced, random stings;
- I.The tobacco industry would pay the cost of enforcement for both FDA and the state authorities with enforcement power.

2.Marketing and Advertising - The industry would agree to the full substance of the August 28 FDA advertising and marketing provisions. In addition, the industry would agree to the following:

- A.The eliminations of all billboards and outdoor signs, including all signs in stadiums and arenas and signs in enclosed areas, such as stores that face outwards;

- B. The elimination of all human images and cartoon characters from all advertising and from all cigarette packages;
- C. Additional restrictions on point of purchase advertising regarding the placement of point of purchase ads to limit their size and number, remove them from the line of sight of children and remove them from the close proximity to candy and other goods likely to attract children. The exact details of these restrictions have yet to be resolved. There has also been discussion of restricting point of sale advertising in stores within 1000 feet of schools and playgrounds to price lists;
- D. The elimination of internet advertising and the agreement on the use of whatever technology is available to make tobacco advertisements that are placed on the internet from foreign countries inaccessible in the US;
- E. The prohibition on product placement in movies and on TV, the prohibition on any payments or fees to celebrities to smoke in movies or on TV or to any other person or entity to glamorize tobacco use in movies or on TV, and the prohibition of any "in-kind" actions to accomplish any of these same purposes;
- F. While these provisions will be enacted into legislation, FDA would be given the administrative authority to augment and modify these rules after a set period of time, not to exceed 7 years, to further reduce tobacco use among minors;
- G. An agreement to consent to the placement of all of the advertising restrictions contained in the August 28 FDA Rule plus the above noted restrictions in private binding agreements and/or in consent decrees to insulate the restrictions from the First Amendment challenges by parties outside the tobacco industry;
- H. FDA would have the primary authority over the enactment of regulations concerning these provisions and full enforcement authority over them. However, there would be dual enforcement authority with both the FDA and state attorneys general, each being able to enforce these provisions and, in addition, the FDA would have the power to contact with other state and local authorities to assist it to enforce the rules;
- I. The tobacco industry would pay the cost of enforcement for both FDA and the state authorities with enforcement power;
- J. The portion of these advertising and marketing restrictions that relate to purely local advertising would not preempt stronger state and local laws.

3. Public Education Counter Advertising - Funds would be provided for a major nationwide public education/counter advertising program similar to those found in Massachusetts and California. The program would operate independent of the tobacco industry which would have no say over the content or placement of the advertisements. Funding for the program would be guaranteed, and to the extent possible, the program would be insulated from political pressure. The program could be administered by FDA, the CDC, or an independent entity.

4. Health Warnings - While FDA does have authority to require tobacco companies to provide health information to consumers in a variety of ways, FDA does not have authority over the current warnings on the package. The industry would agree to a revision of the warning label system, replacing the current warnings with the more specific, more detailed Canadian warnings including a warning on addictions. The warnings would be moved to the front of the cigarette package ( and the most prominent side of the smokeless tobacco product package). The warnings would appear in the Canadian format (the top of the front with white lettering on a black background) and occupy at least 25% of the top of the front of the package.

5. Performance Standards - The concept of performance standards are implied in the FDA Rule, but only with regard to the modification or the supplementation of the youth access and marketing restrictions. Discussion with the industry have also focused on performance

standards tied to economic sanctions if youth smoking rate reduction targets are not met. The industry would be subject to penalties if youth tobacco use failed to drop by 30% in 5 years, 50% in 7 years and 60% in ten years. The penalty would be based on the value of a teenaged tobacco user to the industry over the lifetime of the teenager. It would be worth approximately \$80 million per percentage point by which the target was not met.

6. Funding for State and Local Tobacco Control Activity - State and local tobacco control activity modeled after the successful ASSIST program would be funded out of tobacco industry funds. While the exact amount had not been agreed to, we expect the ASSIST program would be funded in every state from these funds.

7. Tobacco Cessation - Out of the funds to be provided by the industry, funding would be provided for tobacco cessation programs and devices for those who want to quit and for whom the cost is an issue. The Secretary of HHS would be authorized to set standards and procedures for the approval of cessation programs and devices.

8. Protection from Environmental Tobacco Smoke - Protection from environmental tobacco smoke would come from the enactment of the text of HR 3434 (originally introduced by Congressman Waxman) that restricts tobacco use in public places and most workplaces to locations that are separately ventilated to the outside and through which non smokers do not pass. Restaurants (excluding fast food restaurants) and bars would be exempted but state and local governments would be permitted to enact more restrictive requirements governing ETS. This would replace the need for OSHA to complete its rulemaking. Enforcement has not been discussed. It could be OSHA or FDA, but enforcement authority needs to be shared with State Attorneys General and local authorities.

#### 9. General Authority of the FDA

A. Tobacco products would have the same definition as contained in the FDA Rule. Jurisdiction would also cover Roll Your Own, Little Cigars, Fine Cut, etc.

B. Tobacco would continue to be categorized as a "drug" and a "device" under the Food, Drug and Cosmetic Act. The agency's authority to regulate the products as "restricted medical devices" would be explicitly recognized and tobacco products would be classified as a subcategory of a Class II device pursuant to Sec 513 of the Act. The Food, Drug and Cosmetic Act would apply to these products as provided by the Act and the amendments to the Act contained herein.

C. The Class II Classification would permit the FDA to require product modification of tobacco products, including the regulation of nicotine content, and would provide that the sale of tobacco products to adults in the form that conforms to Performance Standards established for tobacco products pursuant to Sec 514 shall be permitted notwithstanding Secs. 516, 502j and 518e. Until the establishment of the Performance Standards under Sec 514, the FDA would not prohibit the sale and manufacture of traditional tobacco products now on the market to adults solely because they are inherently dangerous or because they have not previously been approved as new drugs.

D. FDA would exercise its normal authority to inspect, enter manufacturing plants, demand certain records and record keeping, and would have its normal enforcement authority. Industry information would be given the same proprietary protection as information from other industries.

E. The tobacco industry would be required to provide FDA with all research it conducts and all non-public information it receives that relates to health, toxicity, addiction, drug dependence, etcetera, and the FDA would have the power to subpoena such information.

F. FDA would have the authority to require a new system for testing and disclosure of nicotine, tar, and other product and smoke constituents that FDA determines the public should know to protect the public health. This authority would be transferred from the FTC and would include the authority to require additional package and advertising disclosures established after an APA rule making. The FDA would have the authority to require tar and nicotine disclosures on both the package and ads. The FDA's other disclosure authorities would not be circumscribed.

G. With regard to non tobacco ingredients:

\*No such ingredient would be permitted unless the industry demonstrates that it is not hazardous under the proposed conditions of use as it would be used in the tobacco product. The burden would be on the industry to provide FDA with such data pursuant to a rule promulgated by the agency. As the agency does for other products, it would set up a standard of the type of testing of each ingredient based upon the "best available evidence" and information provided. Once the industry provides such information and data, the FDA would be required to review it and make a determination in a time certain as to whether it meets the agency's safety standards. The safety standard would apply to new ingredients immediately, but there would be a five year grace period for ingredients already in tobacco products on the date of enactment. However, nothing would be done to undermine the Massachusetts disclosure law and its requirements in the interim period.

\*The industry would be required to provide FDA with a list of ingredients (including those in paper and filter as well as other product components) by brand and by quantity in each brand, subject to the same confidentiality protections given to other industries for similar information.

\*FDA would be permitted to require the public disclosure of ingredients information as it does for foods in a manner that does not disclose trade secrets, (i.e., a flavoring that had been tested and approved as safe for use in a burning tobacco product could be identified in the same manner as flavorings are disclosed in foods.) This is the same standard for public disclosure provided in the Massachusetts disclosure law. During the five year grace period, the industry would not be required to publicly disclose confidential, proprietary information concerning these flavorings and spices.

H. FDA would have its typical authority over the manufacturing of the product, including the establishment of Good Manufacturing Practice Standards, product quality criteria, pesticide residue standards, etc. Tobacco farmers would face no greater regulatory burden than the producers of other raw products regulated by the federal government.

I. Products sold that an objective, reasonable consumer would believe pose less of a health risk:

\*tobacco product manufacturers would be barred from making claims that could reasonably be interpreted to state or imply a reduced health risk unless the manufacturer had demonstrated to FDA that the product scientifically did in fact "significantly reduce the risk to health" from ordinary tobacco products. An exemption will be grandfathered in for products who, for example, currently have the word "light" or other similar words in their

established product name. These brands will be able to continue to use that name, however, provided that all advertisements for the product state that the name does not imply that the product is safer than other tobacco products on the market.<sup>1</sup> and in that case,

\*FDA would have to approve all claims (direct or implied), as well as the content and placement of any such advertisements, to prevent the public from being misled and to prevent the contraction of, the marketplace.

\*For less hazardous products, FDA would be authorized to permit scientifically based specific health claims and to permit exceptions to the advertising restrictions that apply to other products if FDA determines that such advertising would reduce harm and promote the public health. The FDA would promulgate a rule to govern how these determinations would be made.

\*The industry would be required to notify FDA of any technology that reduces the risk from tobacco products and, for a commercially reasonable fee, to cross license all such technology, but only to those companies also covered by the same obligations. Procedural protections would be built in to resolve license fee disputes, if the private parties cant agree among themselves first. If the technology reported to the FDA is in the early development stages, the manufacturer would be provided confidentiality protection during the development process.

J.To further the public health, to promote the production of "reduced risk" tobacco products, and to minimize the harm to the public by insuring that the best available, feasible safety technology becomes the industry standard, the FDA would have the authority to promulgate Performance Standards to govern product modification pursuant to Sec 514 of the Act:

\*For a period of no less than ten years following the effective date of the Act, the Product Performance Standard would be governed by the following principles: The agency would be permitted to adopt performance standards that require the modification of existing tobacco products, including the gradual reduction, but not the elimination of other constituents or other harmful components of the product, based upon the demonstration that the modification: a) would result in a significant reduction of the health risks associated with such products to the consumer, b) is technologically feasible, and c) given the number of dependent tobacco product users and the lack of alternatives that are available that are currently acceptable to the mass market of tobacco users, the products as modified meets with sufficient consumer acceptance so that it would not result in the creation of a significant market in contraband products that do not meet the safety standard. In determining the risk of the creation of a market in contraband products, the FDA could take into account the availability of alternative products then on the market.

The authority to require such product modification could be exercised upon a showing of "substantial evidence", based upon the administrative record developed through a formal rule making subject to the Administrative Procedures Act, with the right of judicial review, and any such modification shall be subject to the current procedures of the Regulatory Reform Act of 1996 to provide time and a process for Congress to intervene should it so choose.

\*Separate from the requirements of the Sec 514 Performance Standard noted above, the agency would also have the authority to promulgate ceilings on tar and nicotine yields in tobacco products that gradually reduce but do not eliminate the presence of these constituents over

the 10 year time period pursuant to agreed upon levels, unless the agency finds that the reduction would not reduce mortality and morbidity.

\*The agency would also have the authority to mandate the introduction of "less hazardous tobacco products" that are technologically feasible, after a formal rule making subject to the Administrative Procedures Act with the right of judicial review. The goal of any rule mandating the introduction into the marketplace of "less hazardous tobacco products" for which the technology exists is to guarantee that a mechanism exists to insure that products which appear to hold out the hope of reducing risk are actually tested and made available in the marketplace and not held back.

\*After the initial ten year period, the agency would be permitted to set product safety standards that go beyond the standards it is authorized to set pursuant to the above noted principles and procedures and, if it does so, it shall be guided by the following expanded principles: The agency would be permitted to require the alteration of tobacco products then being marketed, including the elimination of nicotine and any other demonstrated harmful component of the product, provided: a) the safety standard would result in a significant overall reduction of the health risks to the nation associated with tobacco products, b) the modification is technologically feasible, and c) given the number of dependent tobacco users then in existence and the availability and demonstrated market acceptance of alternated products then on the market, the modification would not result in the creation of a significant market in contraband products that do not meet the safety standard. In determining the overall health benefit of a change, the agency may take into consideration factors, such as the effectiveness of smoking cessation techniques and devices then on the market.

Given the significance of such an action, the agency would be permitted to require the elimination of nicotine or take such other action that would have an effect comparable to the elimination of nicotine based upon "substantial evidence" pursuant to a Part 12 hearing, or notice and comment rule making with a right to judicial review. Any such action shall be phased in, and no such phase shall begin in less than two years, to permit time for a meaningful Congressional review pursuant to the current procedures of the Regulatory Reform Act of 1996.

K.Enforcement - FDA would have its normal enforcement authority. Such authority would be supplemented by concurrent, parallel enforcement by state attorneys general and enforcement authorities related to the licensing system noted above. In addition, competitors within the industry would be able to bring actions against others in the industry who they believe had violated their obligations under the Act or other relevant laws.

cc:Elena Kagan

9. Public Disclosure/Public Position on Tobacco and Health Issues/Corporate Behavior - There has been agreement to disclose all internal health research related documents. There has been discussion about disclosing internal memoranda which contain any reference to health, toxicity, addiction, drug dependence, and marketing to kids but no final resolution. The unresolved portion of this issue needs to be completed.

Public Position on Health Issues: The industry has said it does not intend to make a public admission as Liggett did in its settlement, but has also said that it will no longer challenge the scientific conclusions about the causal link between tobacco use and disease and nicotine and addiction. The enforcement mechanism and form of this new posture is still unclear and needs to be worked out. At a minimum, no tobacco company person speaking on behalf of, with the authorization of, or using funds from a tobacco company should publicly challenge or seek to call into doubt the scientific conclusions reflected in the Reports of the Surgeon General issued prior to the date of enactment. Protection from liability for "commonly know" hazards of tobacco use could be conditioned on the tobacco companies not challenging the scientific merit of these so-called "commonly known" hazards.

Corporate behavior: These has been talk about requiring the adoption of a corporate code of behavior with outside monitors, reports on steps the company is taking to comply with the FDA rules, financial incentives and disincentives for employees who comply or are found to encourage noncompliance. These would be modeled after agreements entered into the environmental areas with corporations charged with violations of the environmental laws. This needs to be worked out.

11TO:Kevin Thurm  
Deputy Secretary

FROM:Bruce R. Lindsey  
Assistant to the President  
And Deputy Counsel

RE:Summary of Discussions on FDA-related Issues

DATE:June 4, 1997

As you know, much of the discussions with the tobacco industry have focused on FDA/public health related issues. While there is no final agreement, the following is a summary of those discussions to date. I would appreciate HHS/FDA's comments and suggestions on these issues.

1. Youth Access - The industry would agree to the full substance of the August 28 FDA youth access provisions. In addition, the industry would agree to the following:

- A. A ban on all vending machines;
- B. The placement of tobacco products behind the counter and out of reach of consumers;
- C. The restriction of mail order sales, subject to conditions that demonstrate that an effective mechanism to restrict sales to adults. FDA would have the authority to review and revise the rules concerning mail order sales within two years, if it determines that these sales are resulting in significant sales to or access to minors;
- D. While these provisions would be enacted into legislation, FDA would be given the administrative authority to augment and modify these rules after a set period of time, not to exceed 7 years, to further reduce tobacco use among minors;
- E. States and local governments would have the authority to enact stronger laws.
- F. A nationwide licensing system for all sellers of tobacco products with a system of graduated penalties and license suspensions for violations of the youth access and marketing provisions would be established. The licensing system would apply to all sellers of nicotine containing tobacco products, including manufacturers, distributors, wholesalers, retailers, importers;
- G. FDA would have the primary authority over the enactment of regulations concerning these provisions and full enforcement authority over them. However, there would be dual enforcement authority with both the FDA and state attorneys general each, being able to enforce these provisions and, in addition, the FDA would have the power to contract with other state and local authorities to assist it in enforcing the rules;
- H. Enforcement would include unannounced, random stings;
- I. The tobacco industry would pay the cost of enforcement for both FDA and the state authorities with enforcement power.

2. Marketing and Advertising - The industry would agree to the full substance of the August 28 FDA advertising and marketing provisions. In addition, the industry would agree to the following:

- A. The eliminations of all billboards and outdoor signs, including all signs in stadiums and arenas and signs in enclosed areas, such as stores that face outwards;

- B.The elimination of all human images and cartoon characters from all advertising and from all cigarette packages;
- C.Additional restrictions on point of purchase advertising regarding the placement of point of purchase ads to limit their size and number, remove them from the line of sight of children and remove them from the close proximity to candy and other goods likely to attract children. The exact details of these restrictions have yet to be resolved. There has also been discussion of restricting point of sale advertising in stores within 1000 feet of schools and playgrounds to price lists;
- D.The elimination of internet advertising and the agreement on the use of whatever technology is available to make tobacco advertisements that are placed on the internet from foreign countries inaccessible in the US;
- E.The prohibition on product placement in movies and on TV, the prohibition on any payments or fees to celebrities to smoke in movies or on TV or to any other person or entity to glamorize tobacco use in movies or on TV, and the prohibition of any "in-kind" actions to accomplish any of these same purposes;
- F.While these provisions will be enacted into legislation, FDA would be given the administrative authority to augment and modify these rules after a set period of time, not to exceed 7 years, to further reduce tobacco use among minors;
- G.An agreement to consent to the placement of all of the advertising restrictions contained in the August 28 FDA Rule plus the above noted restrictions in private binding agreements and/or in consent decrees to insulate the restrictions from the First Amendent challenges by parties outside the tobacco industry;
- H.FDA would have the primary authority over the enactment of regulations concerning these provisions and full enforcement authority over them. However, there would be dual enforcement authority with both the FDA and state attorneys general, each being able to enforce these provisions and, in addition, the FDA would have the power to contact with other state and local authorities to assist it to enforce the rules;
- I.The tobacco industry would pay the cost of enforcement for both FDA and the state authorities with enforcement power;
- J.The portion of these advertising and marketing restrictions that relate to purely local advertising would not preempt stronger state and local laws.

3.Public Education Counter Advertising - Funds would be provided for a major nationwide public education/counter advertising program similar to those found in Massachusetts and California. The program would operate independent of the tobacco industry which would have no say over the content or placement of the advertisements. Funding for the program would be guaranteed, and to the extent possible, the program would be insulated from political pressure. The program could be administered by FDA, the CDC, or an independent entity.

4.Health Warnings - While FDA does have authority to require tobacco companies to provide health information to consumers in a variety of ways, FDA does not have authority over the current warnings on the package. The industry would agree to a revision of the warning label system, replacing the current warnings with the more specific, more detailed Canadian warnings including a warning on addictions. The warnings would be moved to the front of the cigarette package ( and the most prominent side of the smokeless tobacco product package). The warnings would appear in the Canadian format (the top of the front with white lettering on a black background) and occupy at least 25% of the top of the front of the package.

5.Performance Standards - The concept of performance standards are implied in the FDA Rule, but only with regard to the modification or the supplementation of the youth access and marketing restrictions. Discussion with the industry have also focused on performance

standards tied to economic sanctions if youth smoking rate reduction targets are not met. The industry would be subject to penalties if youth tobacco use failed to drop by 30% in 5 years, 50% in 7 years and 60% in ten years. The penalty would be based on the value of a teenaged tobacco user to the industry over the lifetime of the teenager. It would be worth approximately \$80 million per percentage point by which the target was not met.

6.Funding for State and Local Tobacco Control Activity - State and local tobacco control activity modeled after the successful ASSIST program would be funded out of tobacco industry funds. While the exact amount had not been agreed to, we expect the ASSIST program would be funded in every state from these funds.

7.Tobacco Cessation - Out of the funds to be provided by the industry, funding would be provided for tobacco cessation programs and devices for those who want to quit and for whom the cost is an issue. The Secretary of HHS would be authorized to set standards and procedures for the approval of cessation programs and devices.

8.Protection from Environmental Tobacco Smoke - Protection from environmental tobacco smoke would come from the enactment of the text of HR 3434 (originally introduced by Congressman Waxman) that restricts tobacco use in public places and most workplaces to locations that are separately ventilated to the outside and through which non smokers do not pass. Restaurants (excluding fast food restaurants) and bars would be exempted but state and local governments would be permitted to enact more restrictive requirements governing ETS. This would replace the need for OSHA to complete its rulemaking. Enforcement has not been discussed. It could be OSHA or FDA, but enforcement authority needs to be shared with State Attorneys General and local authorities.

#### 9.General Authority of the FDA

A.Tobacco products would have the same definition as contained in the FDA Rule. Jurisdiction would also cover Roll Your Own, Little Cigars, Fine Cut, etc.

B.Tobacco would continue to be categorized as a "drug" and a "device" under the Food, Drug and Cosmetic Act. The agency's authority to regulate the products as "restricted medical devices" would be explicitly recognized and tobacco products would be classified as a subcategory of a Class II device pursuant to Sec 513 of the Act. The Food, Drug and Cosmetic Act would apply to these products as provided by the Act and the amendments to the Act contained herein.

C.The Class II Classification would permit the FDA to require product modification of tobacco products, including the regulation of nicotine content, and would provide that the sale of tobacco products to adults in the form that conforms to Performance Standards established for tobacco products pursuant to Sec 514 shall be permitted notwithstanding Secs. 516, 502j and 518e. Until the establishment of the Performance Standards under Sec 514, the FDA would not prohibit the sale and manufacture of traditional tobacco products now on the market to adults solely because they are inherently dangerous or because they have not previously been approved as new drugs.

D.FDA would exercise its normal authority to inspect, enter manufacturing plants, demand certain records and record keeping, and would have its normal enforcement authority. Industry information would be given the same proprietary protection as information from other industries.

E. The tobacco industry would be required to provide FDA with all research it conducts and all non-public information it receives that relates to health, toxicity, addiction, drug dependence, etcetera, and the FDA would have the power to subpoena such information.

F. FDA would have the authority to require a new system for testing and disclosure of nicotine, tar, and other product and smoke constituents that FDA determines the public should know to protect the public health. This authority would be transferred from the FTC and would include the authority to require additional package and advertising disclosures established after an APA rule making. The FDA would have the authority to require tar and nicotine disclosures on both the package and ads. The FDA's other disclosure authorities would not be circumscribed.

G. With regard to non tobacco ingredients:

\*No such ingredient would be permitted unless the industry demonstrates that it is not hazardous under the proposed conditions of use as it would be used in the tobacco product. The burden would be on the industry to provide FDA with such data pursuant to a rule promulgated by the agency. As the agency does for other products, it would set up a standard of the type of testing of each ingredient based upon the "best available evidence" and information provided. Once the industry provides such information and data, the FDA would be required to review it and make a determination in a time certain as to whether it meets the agency's safety standards. The safety standard would apply to new ingredients immediately, but there would be a five year grace period for ingredients already in tobacco products on the date of enactment. However, nothing would be done to undermine the Massachusetts disclosure law and its requirements in the interim period.

\*The industry would be required to provide FDA with a list of ingredients (including those in paper and filter as well as other product components) by brand and by quantity in each brand, subject to the same confidentiality protections given to other industries for similar information.

\*FDA would be permitted to require the public disclosure of ingredients information as it does for foods in a manner that does not disclose trade secrets, (i.e., a flavoring that had been tested and approved as safe for use in a burning tobacco product could be identified in the same manner as flavorings are disclosed in foods.) This is the same standard for public disclosure provided in the Massachusetts disclosure law. During the five year grace period, the industry would not be required to publicly disclose confidential, proprietary information concerning these flavorings and spices.

H. FDA would have its typical authority over the manufacturing of the product, including the establishment of Good Manufacturing Practice Standards, product quality criteria, pesticide residue standards, etc. Tobacco farmers would face no greater regulatory burden than the producers of other raw products regulated by the federal government.

I. Products sold that an objective, reasonable consumer would believe pose less of a health risk:

\*tobacco product manufacturers would be barred from making claims that could reasonably be interpreted to state or imply a reduced health risk unless the manufacturer had demonstrated to FDA that the product scientifically did in fact "significantly reduce the risk to health" from ordinary tobacco products. An exemption will be grandfathered in for products who, for example, currently have the word "light" or other similar words in their

established product name. These brands will be able to continue to use that name, however, provided that all advertisements for the product state that the name does not imply that the product is safer than other tobacco products on the market.1 and in that case,

\*FDA would have to approve all claims (direct or implied), as well as the content and placement of any such advertisements, to prevent the public from being misled and to prevent the contraction of, the marketplace.

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J.To further the public health, to promote the production of "reduced risk" tobacco products, and to minimize the harm to the public by insuring that the best available, feasible safety technology becomes the industry standard, the FDA would have the authority to promulgate Performance Standards to govern product modification pursuant to Sec 514 of the Act:

\*For a period of no less than ten years following the effective date of the Act, the Product Performance Standard would be governed by the following principles: The agency would be permitted to adopt performance standards that require the modification of existing tobacco products, including the gradual reduction, but not the elimination of other constituents or other harmful components of the product, based upon the demonstration that the modification: a) would result in a significant reduction of the health risks associated with such products to the consumer, b) is technologically feasible, and c) given the number of dependent tobacco product users and the lack of alternatives that are available that are currently acceptable to the mass market of tobacco users, the products as modified meets with sufficient consumer acceptance so that it would not result in the creation of a significant market in contraband products that do not meet the safety standard. In determining the risk of the creation of a market in contraband products, the FDA could take into account the availability of alternative products then on the market.

The authority to require such product modification could be exercised upon a showing of "substantial evidence", based upon the administrative record developed through a formal rule making subject to the Administrative Procedures Act, with the right of judicial review, and any such modification shall be subject to the current procedures of the Regulatory Reform Act of 1996 to provide time and a process for Congress to intervene should it so choose.

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the 10 year time period pursuant to agreed upon levels, unless the agency finds that the reduction would not reduce mortality and morbidity.

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Given the significance of such an action, the agency would be permitted to require the elimination of nicotine or take such other action that would have an effect comparable to the elimination of nicotine based upon "substantial evidence" pursuant to a Part 12 hearing, or notice and comment rule making with a right to judicial review. Any such action shall be phased in, and no such phase shall begin in less than two years, to permit time for a meaningful Congressional review pursuant to the current procedures of the Regulatory Reform Act of 1996.

K.Enforcement - FDA would have its normal enforcement authority. Such authority would be supplemented by concurrent, parallel enforcement by state attorneys general and enforcement authorities related to the licensing system noted above. In addition, competitors within the industry would be able to bring actions against others in the industry who they believe had violated their obligations under the Act or other relevant laws.

L.Public Health Funds - An annual grant to the

cc:Elena Kagan

9. Public Disclosure/Public Position on Tobacco and Health Issues/Corporate Behavior - There has been agreement to disclose all internal health research related documents. There has been discussion about disclosing internal memoranda which contain any reference to health, toxicity, addiction, drug dependence, and marketing to kids but no final resolution. The unresolved portion of this issue needs to be completed.

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To:Distribution (attached)  
From:Lyn Hogan  
Date:Jan. 7, 1997  
Re:International Family Planning  
Report Distribution

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I have scheduled a meeting for Monday, Jan. 13 from 2:00 p.m.-3:15 p.m. in room 211 OEOB to discuss the international family planning report due from the President to Congress Feb. 1, 1997.

We will review the final draft of the report and discuss strategy for the draft report distribution.

A copy of the final draft report from AID and State will be distributed for your review prior to the meeting. Please bring your comments and questions to the meeting.

Please call Dorothy Craft at 456-5571 with your date of birth so we can waive you in.

Thank you.

RP

Distribution:

Gordon Adams, White House, OMB  
Rodney Bent, White House, OMB  
Jill Buckley, USAID

To:Distribution (attached)  
From:Lyn Hogan  
Date:Jan. 6, 1997  
Re:International Family Planning  
Report Distribution

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A copy of the final draft report from AID and State will be distributed for your review prior to the meeting. Please bring your comments and questions to the meeting.

Please RSVP to me. I can be reached at 456-5567 or through e-mail.

Thank you.

FF

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Gordon Adams, White House, OMB  
Rodney Bent, White House, OMB  
Jill Buckley, USAID  
Mike Casella, White House, OMB  
Bill Danvers, White House, NSC  
Meg Donovan, State  
Phil DuSault, White House, OMB  
Debbie Fine, White House, DPC  
Martha Foley, White House COF  
Duff Gillespie, USAID  
David Harwood, State  
Robyn Leeds, Women's Office  
Liz Maquire, USAID  
Nancy-Ann Min, White House, OMB  
Betsy Myers, White House, Women's Office  
Janet Piller, White House, OMB  
Margaret Pollack, State  
Nicole Rabner, Office of the First Lady  
Dottie Rayburn, USAID  
Lisa Ross, White House, Women's Office  
David Sandalow, White House, CEQ  
Tom Vellenga, White House, COF

cc:Bruce Reed, White House, DPC  
Elena Kagan, White House, DPC  
Mike Casella, White House, OMB  
Bill Danvers, White House, NSC  
Meg Donovan, State  
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cc:Bruce Reed, White House, DPC  
Elena Kagan, White House, DPC

\*

March 3, 1998

FOOD SAFETY EVENT

DATE: March 4, 1998

LOCATION: Roosevelt Room

BRIEFING TIME: 1:30 pm - 1:20 pm

EVENT TIME: 1:45 pm - 2:45 pm

FROM: Bruce Reed

I. PURPOSE

To highlight the introduction of legislation in the Senate that you proposed to ensure the safety of imported fruits and vegetables, and to receive a progress report from USDA and HHS on the development of guidance on good agricultural and manufacturing practices.

II. BACKGROUND

You will be speaking to an audience of approximately 40 consumer advocates, food industry representatives, families, and Members of Congress.

You will be making the following announcements:

Challenge to Congress to Enhance FDA Oversight for Imported Foods. You will challenge Congress to pass the food safety legislation to be introduced by Senators Mikulski and Kennedy to require the FDA to halt imports of fruits, vegetables, and other food products from any foreign country with food safety systems and standards that are not equivalent to those of the United States. The legislation also will require the FDA to halt imports from countries or facilities that do not allow FDA inspections to occur. This legislation, which you proposed last fall, was previously introduced in the U.S. House of Representatives by Reps. Eshoo and Pallone. You have committed to providing approximately \$27 million in your Fiscal Year 1999 budget to enable the FDA to dramatically expand its international food inspection force.

Agency Report on Guidance on Good Agricultural and Manufacturing Practices. You will announce that you have received a report from Secretaries Shalala and Glickman on the progress they have made in providing guidance on good agricultural and manufacturing practices to domestic and international growers, harvesters, handlers, and transporters of fresh fruits and vegetables as requested in a Presidential Directive on October 2, 1997. This report outlines the progress made -- and the steps still to be taken -- to develop the voluntary guidance by October 1998. The guidance -- the first-ever specific safety standards for fruits and vegetables -- will address potential food safety problems throughout the production and distribution system and help ensure the sanitation and safety practices of all those seeking to sell produce in the U.S. market. The report also provides both short- and long-term plans for technical assistance, education, and outreach activities to support the implementation of the guidance.

III. PARTICIPANTS

Briefing Participants:

The Vice President  
Secretary Shalala  
Secretary Glickman  
Bruce Reed or Elena Kagan

Event Participants:

The Vice President  
Senator Barbara Mikulski  
Gloria Doyle, Chevy Chase, MD, who became ill after eating imported raspberries.

Standing on stage, but not speaking:

Secretary Shalala  
Secretary Glickman  
Lead Deputy FDA Commissioner Michael Friedman  
Congresswoman Eshoo and other Members of Congress

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- The Vice President will make welcoming remarks and introduce Senator Mikulski.
- Senator Mikulski will make remarks and introduce Gloria Doyle.
- Gloria Doyle will make remarks and introduce YOU.
- YOU will make remarks and then depart.

VI. REMARKS

Remarks Provided by Speechwriting.

\*

March 3, 1998

FOOD SAFETY EVENT

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- The President will make remarks and then depart.

VI. REMARKS

Remarks Provided by Speechwriting.

Z

## MEMORANDUM

TO: BRUCE REED, ELENA KAGAN

FROM: TOM FREEDMAN, MARY L. SMITH

RE: BACKGROUND FOR MEETING WITH NEAL LANE ON FOOD SAFETY COUNCIL

DATE: SEPTEMBER 24, 1998

This memorandum provides points for discussion for your meeting with Neal Lane on the goals, both short-term and long-term, for the Presidents Council on Food Safety. We have discussed this with Cliff Gabriel, Neal Lanes deputy. In addition, the following attachments are included: (1) draft charter for Presidents Council on Food Safety; (2) draft agenda for public meeting for the strategic planning process on October 2; (3) draft remarks of Neal Lane to open October 2 public meeting; (4) draft report on the Joint Institute on Food Safety Research; (5) a USA Today article dated September 16 which describes PulseNet, a database that permits states to compare quickly the genetic fingerprints of bacteria responsible for outbreaks; and (6) the executive order establishing Presidents Council on Food Safety.

## I. FOCUS OF THE COUNCIL

## A. What should the Council accomplish?

\*The Council should establish a seamless, science-based food safety system. In doing this, the Council should have an overarching framework that incorporates the following principles:

\*the improvement of food safety

\*efficiency

\*cooperation and coordination with states and localities as well as within the federal government. We already are cooperating with states through the states through the PulseNet system, which tracks the genetic fingerprints of bacteria in outbreaks (see attached article).

\*prevention

\*measurable outcome goals

\*Concurrently with developing the overarching framework in order to develop a seamless food safety system, the Council should tackle specific issues including prevention, inspections, streamlining within the federal government, and coordinating with states. For instance, there has been some discussion about consolidating responsibility for eggs in one federal food safety agency. Currently, USDA and FDA both have responsibility for different aspects of eggs.

## B. Scope of Council (issues we need to focus on and have answers for October 2 meeting)

1. Does the Council deal with more than microbial --yes

2. Does it include pesticides -- need to discuss

3. What is going on with research -- Neal will give update in his opening remarks.

## II. Short-Term Goals

A. Respond to the NAS study-- within 180 days from August 25 --so it will be February 21

B. FY2000 budget -- unified budget for the food safety initiative for the FY2000 budget, we will do the "coordinated budgets" for the entire food safety activities starting in FY2001

C. Joint Institute for Food Safety Research -- has to report back by October 3 (the day after the October 2 meeting) (see attachment)

### III. Long-Term Goals

A. Strategic plan to be prepared by the Council (see attached charter for process)

### IV. Miscellaneous Issues

A. Procedures of the Council -- How often will the Council meet, etc. See attached draft charter.

B. How the Council will obtain public input. There will be three additional public meeting to obtain input for the strategic planning process

\*October 20, 1998 in Sacramento, California

\*November 10, 1998 in Schaumburg, Illinois

\*December 8, 1998 in Dallas, Texas

### ACTIVITIES OF THE COUNCIL (with reference to executive order)

A. Comprehensive strategic plan. This plan is referenced in two sections of the executive order.

1. Section 2 states: "The purpose of the Council shall be to develop a comprehensive strategic plan for Federal food safety activities, taking into consideration the findings and recommendations of the National Academy of Sciences report "Ensuring Safe Food from Production to Consumption" and other input from the public on how to improve the effectiveness of the current food safety system. The Council shall make recommendations to the President on how to advance Federal efforts to implement a comprehensive science-based strategy to improve the safety of the food supply and to enhance coordination among Federal agencies, State, local, and tribal governments, and the private sector. The Council shall advise Federal agencies in setting priority areas for investment in food safety."

2. Section 3(a) states in pertinent part: "The Council shall develop a comprehensive strategic Federal food safety plan that contains specific recommendations on needed changes, including measurable outcome goals. The principal goal of the plan should be the establishment of a seamless, science-based food safety system. The plan should address the steps necessary to achieve this goal, including the key public health, resource, and management issues regarding food safety. The planning process should consider both short-term and long-term issues including new and emerging threats and the special needs of vulnerable populations such as children and the elderly."

B. Budget Activities. The Council will help coordinate the budget for food safety activities in two respects: (1) coordinated food safety budgets; and (2) a unified budget for the Presidents Food Safety Initiative.

1. Section 3(b) states in pertinent part: "[T]he Council shall advise agencies of priority areas for investment in food safety and ensure that Federal agencies annually develop coordinated food safety budgets for submission to the OMB that sustain and strengthen existing capacities, eliminate duplication, and ensure the most effective use of resources for improving food safety."

2. The Council is also tasked with developing a unified budget for the Presidents Food Safety Initiative, which is a subset of all the food safety activities that are performed by the agencies.

0.a..(0)(a)(0)a)\*DRAFT 2-05-99

February 11, 1999

MEMORANDUM FOR BRUCE REED  
ELENA KAGAN

FROM: THOMAS FREEDMAN  
MARY SMITH

SUBJECT: RESPONSE TO NAS STUDY ON SINGLE FOOD SAFETY AGENCY

On August 25, 1998, the President issued a directive to the Presidents Council on Food Safety to provide him with an assessment of the National Academy of Sciences (NAS) study. The NAS study made several recommendations including the following:

To implement a science-based system, Congress should establish, by statute, a unified and central framework for managing federal food safety programs, one that is headed by a single official and which has the responsibility and control of resources for all federal food safety activities, including outbreak management, standard-setting, inspection, monitoring, surveillance, risk assessment, enforcement, research, and education.

The NAS also recommended some possible organizational structures to create a single federal voice for food safety, which will be discussed below.

#### Options for Organizational Structures to Consolidate Federal Food Safety Programs

Option 1. A Food Safety Council with representatives from the agencies with a central chair appointed by the President, reporting to Congress and having control of resources. (In NAS report)

#### Pros:

\*Already done.

\*Could foster interagency cooperation, permit appropriate allocation of resources to most urgent questions, and permit increased coordination among research, education, and regulatory functions.

#### Cons:

\*Doesnt go far enough to improve coordination and resource allocation

\*If located outside a food safety agency, could result in cumbersome, multi-layered process of developing food safety policy. Could also lead to the impediment of rapid responses to emergencies, such as foodborne illness outbreaks.

Option 2. Designating one current agency as the lead agency and having the head of that agency be the responsible individual. (In NAS report)

## Pros:

\*Could foster interagency cooperation, permit appropriate allocation of resources to most urgent questions, and permit increased coordination among research, education, and regulatory functions.

## Cons:

\*Potential for competing or conflicting interests within the department (e.g., food safety could conflict with commodity promotion interests) Note: this is in the agency's response but it does not make sense because USDA already has those two functions in one department.

Option 3. A single agency reporting to one current cabinet-level secretary. (In NAS report)

## Pros:

- \*Improved coordination and priority setting leading to the better allocation of limited resources.
- \*Improved long-term customer services
- \*Consolidation will help in the development of a comprehensive, focused Federal food safety policy for meat, poultry, fruits, vegetables, seafood, and all other foods.
- \*Scarce federal food safety resources could be better allocated based on the risk that different commodities pose to public health, and could more easily respond to changing consumption patterns and emerging food safety issues.
- \*It would eliminate many duplicative activities, such as the duplicate inspection of establishments that produce products regulated by the different agencies (e.g., FDA inspects frozen cheese pizzas while USDA inspects frozen pepperoni pizzas), and duplicative, overlapping research.
- \*It would improve the coordination of federal responses to foodborne illness outbreaks by eliminating gaps in regulatory coverage, avoiding conflicting actions, and ensuring a comprehensive federal response.
- \*It would combine the strengths of FDA and USDA (e.g., the science and risk-based approach of FDA with the funding and staff of USDA) and thus strengthen federal regulation of all foods.

## Cons:

- \*Requires broad legislative support as well as additional funding
- \*Time-consuming
- \*Reduced customer service and public health protection in the short-term
- \*Could be detrimental to research and educational activities
- \*Could split some comprehensive programs (e.g. pesticide program at EPA considers the environmental, worker, and non-dietary aspects of pesticide use as well as public health protection from pesticides in the diet)
- \*many food safety issues cut across jurisdictional lines and cannot be dealt with by a single agency, ie, bovine spongiform encephalopathy (BSE) is an animal health and a human health issue
- \*It could be viewed as "moving the boxes around" rather than addressing substantive food safety issues. Consolidation is only the first step toward consistency in inspection requirements for different food products; other significant statutory changes would be needed in the future (e.g., the meat and poultry acts currently require "continuous inspection" which limits USAs ability to target its inspections, while FDA conducts periodic, random inspection of all other food processing plants.)
- \*The likelihood that a proposed consolidation will not be implemented is high, given the

history of consolidation efforts.

\*The inspection forces of FDA and USDA differ in average salary/grade, training, and education requirements. USDAs inspectors union has actively opposed previous proposals they believed would reduce the number of inspectors.

Option 4. An independent single agency at cabinet level. (In NAS report)

Pros:

\*Improved coordination and priority setting leading to the better allocation of limited resources.

\*A stand-alone agency would limit interest group opposition.

\*The agency could promote a public health focus with the perception that it also has industry promotion responsibilities.

Cons:

\*The agency would be relatively small, with a program level of \$1 billion and staff of 12,980 FTEs.

\*There may be higher administrative costs associated with creating a new, independent agency because it would not be able to share the resources of an existing agency.

\*Requires broad legislative support as well as additional funding

\*Time-consuming

\*Reduced customer service and public health protection in the short-term

\*Could be detrimental to research and educational activities

\*Could split some comprehensive programs (e.g. pesticide program at EPA considers the environmental, worker, and non-dietary aspects of pesticide use as well as public health protection from pesticides in the diet)

\*many food safety issues cut across jurisdictional lines and cannot be dealt with by a single agency, ie, bovine spongiform encephalopathy (BSE) is an animal health and a human health issue

Option 5. Consolidate one major function in one current agency -- such as inspections in FSIS

Pros:

\*Easier to do than a complete structural reorganization.

\*Would provide for a better allocation of resources.

Cons:

\*Doesnt solve the entire problem -- still leaves fragmentation

Option 6. Joint Chiefs of Staff model.

Pros:

\*Agencies retain their core mission, but have better coordination.

Cons:

\*Model not exactly on point because joint chiefs of staff will not coordinate entire agency missions

Record Type:Record

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

cc:

Subject:Food Safety

Q Any kind of FDA announcement today, food safety announcement?

MR. MCCURRY: There's no food safety announcement today. I think it's been reported various places that the White House is considering a new initiative to ensure the safety of fruits and vegetables consumed by the American public, especially those that come from foreign sources. The White House is considering that, and I do expect the White House will announce something soon about steps the President wants to take to direct the FDA to issue better guidance on agricultural practices and good manufacturing practices. And the President will likely have some things to say about legislation that will improve the FDA's authority to regulate imported fruits and vegetables coming from other countries in a way similar to what the USDA already does with respect to meat products -- meat and poultry products.

Q When might that be?

MR. MCCURRY: Sometime next week perhaps.

Message Sent To: \_\_\_\_\_

Virginia M. Terzano/OVP @ OVP

LEAVY\_D @ A1 @ CD @ LNGTWY

Elena Kagan/OPD/EOP

Russell W. Horwitz/OPD/EOP

Lael Brainard/CEA/EOP

\*

September 11, 1997

MEMORANDUM FOR ERSKINE BOWLES

FROM: ELENA KAGAN

SUBJECT: MEETING WITH GIL GALLEGOS

You will be meeting on Friday with Gil Gallegos, National President of the Fraternal Order of Police (FOP), and Jim Pasco, FOP Executive Director. Last month, Gil was re-elected to his second term as National President of the FOP. It was a very tight race for him, and he received a lot of criticism for his close relationship with the White House. The day after his election, Gil requested a meeting with the President to discuss the secret service collective bargaining issue because it remains one of the FOP's highest priorities. The President, the Vice President, Leon Panetta, and Jack Quinn had met with Gil and the FOP Executive Board last September about this issue and Gil feels that the President has not followed through on his commitment to get it done. Because this is still a pending issue, we felt it would be better for you to meet with Gil instead of the President.

February 20, 1996

MEMORANDUM TORICKI SEIDMAN

FROM:JOHN M. QUINN  
COUNSEL TO THE PRESIDENT

JANE C. SHERBURNE  
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT:Subpoenas Issued by House Committee on Government Reform & Oversight

The House Committee on Government Reform and Oversight is conducting an investigation into the Travel Office and various other matters. In connection with its inquiry, the Committee has issued subpoenas to the White House requiring the production of certain White House records. We are in the process of providing responsive White House records, from your files and those of others, to the Committee.

Last week, the Committee issued personal subpoenas to you and other current and former White House employees. These personal subpoenas call for personal as well as White House records. The Counsel's Office will handle production of your responsive White House records, i.e., records created or obtained during the course of your official duties. Accordingly, you should forward any White House records you believe may be responsive to the Counsel's Office and we will determine whether they should be produced to the Committee. You should provide any responsive personal records directly to the Committee.

Please provide any White House records that are responsive to your personal subpoena to Elena Kagan in OEOB Room 125 by Wednesday, February 22, 1996. If you have questions, please contact Jane Sherburne (6-5116).

Thank you for your cooperation.

**FF**Former Employees

Dee Dee Myers  
Roy Neel  
Beth Nolan  
Bernard Nussbaum  
Ricki Seidman  
Cliff Sloan  
John Podesta  
Jeff Eller  
Clarissa Cerda

Brian Foucart

Janet Greene (represented by Steve Braga)

Dwight Holton

Matt Moore (represented by Bill Hassler, 424-6469)

Andre Oliver (606-3904)

Neil Eggleston

Mark Gearan

Bill Kennedy

DRAFT

DRAFT

DRAFT

DRAFT

December 29, 1997

[Dr.? Prof.?] John Hope Franklin  
208 Pineview Road  
Durham, NC 27707

[Note: JHF sent his letter on PIR letterhead on behalf of the whole board. Should this be addressed to the PIR office?]

Dear [Dr. Franklin?]:

Thank you for your recent letter updating me on the activities of the Advisory Board and for the important recommendations you made regarding civil rights enforcement and data collection.

As you know, the Initiative on Race is extremely important to me, and I intend to make every effort to make it a success. I am very grateful for your work in helping us overcome the obstacles we continue to face and for your guidance toward creating a nation that is truly One America.

I share your sentiment that strong enforcement of our civil rights laws is an essential element of achieving our goals, and I agree that the initiatives announced at the White House Hate Crimes Conference must be fully implemented, and I expect them to be. I am sharing your recommendations with Bruce Reed and Elena Kagan, of the Domestic Policy Council, and with Frank Raines, Director of the Office of Management and Budget. I understand that they are already pursuing ways to improve and enhance our enforcement efforts.

With regard to your suggestion on collecting data on the extent of racial discrimination, I understand that Judith Winston and Christopher Edley are working closely with the Council of Economic Advisors and experts from a variety of federal agencies to determine the best and most appropriate way to publish the facts on race. I expect them to produce at least one significant report and I will include much of this information in my final report to the American people.

Again, I thank you and all of the Advisory Board members for your important work and insightful suggestions. I am optimistic that your efforts will significantly advance our goal of creating One America.

Yours truly,

Bill Clinton

MEMORANDUM FORERSKINE BOWLES

THROUGH:Franklin D. Raines

FROM:Sally Katzen

SUBJECT:Heads-up on Proposed DOI Class III Gaming Procedures Rule

We are about to conclude review of a proposed DOI rule on Class III Gaming Procedures (casinos). The law provides that States must negotiate in good faith with Tribes seeking to develop casinos on Indian land. If a State refuses to negotiate in good faith, this rule allows the Secretary to authorize Tribes to open casinos, potentially over a States specific objections. The Secretary, however, would not be allowed to exercise this authority in States that have legal prohibitions against gaming in general.

Reactions to the rule will be mixed. Significant opposition is expected from States -- NGA wrote the President in November 1996 strongly opposing the rule and wrote to OMB arguing that the Secretary does not have the legal authority to issue this rule. Indian Tribes believe the rule will provide them much needed relief in cases where the State refuses to cooperate.

Please let me know if you have any questions.

**RE**cc: Maria Echaveste

Rahm Emanuel

Jack Gibbons

John Hilley

Micky Ibara

Ron Klain

Thurgood Marshall, Jr.

Ann Lewis

Sylvia Mathews

John Podesta

Bruce Reed

Gene Sperling

Lynn Cutler

Fred Duvall

Elena Kagan

Victoria Radd

Barry Toiv

Michael Waldman

T.J. Glauthier

Larry Haas

June 29, 1998

Dear Ms. Kagan:

Wanted you to have a copy of the third edition of ONDCPs grants directory, Responding to Drug Use and Violence: A Directory and Resource Guide to Public- and Private-Sector Drug Control Grants. This directory will help individuals and organizations throughout this nation as they seek the resources needed to address the problems created by drug use and drug-related violence.

This edition of the directory features information on more than 60 federal grant programs and an expanded section on private-sector resources for anti-drug programs. The Directory lists the sponsoring organization, point of contact, amount of funding available in FY 1997 and 1998 and a program description for each grant program it lists.

If you could use additional copies of this directory, please contact my office. Look forward to working with you to address the threat of illegal drugs and their consequences.

Sincerely,

Janet Crist  
Chief of Staff

Ms. Elena Kagan  
Deputy Assistant to the President  
for Domestic Policy  
The White House  
West Wing, Second Floor  
Washington, DC

FEBRUARY 1, 1996

MEMORANDUM FOR: ALL STAFF OF THE WHITE HOUSE, THE EXECUTIVE OFFICE OF THE PRESIDENT, THE OFFICE OF MANAGEMENT AND BUDGET, THE OFFICE OF THE VICE PRESIDENT AND THE EXECUTIVE RESIDENCE

FROM: JOHN M. QUINN  
COUNSEL TO THE PRESIDENT

JANE C. SHERBURNE  
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: Subpoena from the House Government Reform & Oversight Committee

The House Committee on Government Reform and Oversight has subpoenaed certain White House records in connection with its investigation into the "White House Travel Office matter." For purposes of responding to the subpoena requests, please use the definition of "White House Travel Office matter" appearing in the attached "Definitions and Instructions" of the Committee subpoena (see Attachment 1). Please review your "records," For purposes of responding to the subpoena requests, please use the definition of "records" appearing in the attached "Definitions and Instructions" of the Committee subpoena (see Attachment 1). and retrieve the following White House records created on or before January 11, 1996:

1. "All records related to the General Accounting Office review of the White House Travel Office."
2. "All records related to the Justice Department's Office of Professional Responsibility review of the White House Travel Office."
3. "Any records related to American Express obtaining the White House Travel Office business including all records related to any contact with GSA or American Express."
4. "All records related to the Peat Marwick review of the White House Travel Office and any subsequent reviews such as that performed by Tichenor and Associates and any records reflecting any contacts, communications or meetings with any Peat Marwick attorneys or officials." We are aware that at least the following KPMG Peat Marwick employees were involved in some aspect of the White House Travel Office matter: Larry Herman, Dan Russell, Leslie Casson, Carolyn Rawdon, Nicholas DiCarla, Charles Siu and John Shutkin.
5. "Any records of any contacts or communications related to any IRS matter regarding UltraAir and/or any IRS matter regarding any other White House charter company, any IRS matter related to any of the fired seven travel office employees, or any other IRS matter related to the White House Travel Office and any records of contact or communications with IRS Commissioner Peggy Richardson by Mack McLarty, Webb Hubbell, Bruce Lindsey, Vince Foster, Bill Kennedy, or any other member of the White House Counsel's office For a list of employees serving in the White House Counsel's Office from January 20, 1993 to the present, see Attachment 2. from May 1, 1993 to January 11, 1996."

6. "All records related to the Treasury Inspector General's investigation of the IRS audit of UltrAir. (The investigation requested by Rep. Frank Wolf in May 1993)."
7. "Any records relating to any proposal to use independent financing or unused Presidential Inaugural Committee funds to assist anyone on the White House staff, outsource White House duties or tasks, or otherwise assist White House operations. This would include records regarding any efforts, both inside and outside the White House to explore, evaluate or implement such proposal. It would also include records of any subsequent analysis of such efforts."
8. "Any records relating to or mentioning the finding of the note in Mr. Foster's briefcase or any other location following his death, any Travel Office records of Mr. Foster's and any records relating to the finding or existence of or explanations of any files of Mr. Foster's relating to the White House Travel Office matter, Special Government Employees, issues of nepotism, the use of volunteers or any efforts to obtain Office of Legal Counsel opinions on any of these matters and any records of any contacts with Mr. James Hamilton; Lisa Foster, Harry Thomason, Susan Thomases, James Lyons about Vincent Foster records."
9. "Any records relating to Mr. Thomason, Mr. Martens, Ms. Penny Sample, Ms. Betta Carney and Mr. Steve Davison and any other World Wide Travel employees including, but not limited to, all records indicating what these individuals did while at the White House, any documents relating to issues arising out of any actions they took while at the White House, any personnel records, requests for passes or pass forms, requests for office space and any forms related to office space, phone or other equipment, and any records relating to any actions taken by these individuals regarding the White House Travel Office. (For Ms. Sample, this request would also include all trip files for trips she had any involvement with while at the White House.)"
10. "All records about problems or allegations or wrongdoing in the Travel Office from January 20, 1993 to" January 11, 1996.
11. "All tapes or videotapes produced by Mr. Thomason or any associates of his for the White House, the Bill Clinton for President Committee or the Clinton/Gore '92 Committee and all billings and financial statements relating to such work."
12. "All records relating to Travel Office funds and/or documents being placed in the White House military office and all records of any inquiries about related events."
13. "All records of any contacts with David Watkins or Bill Kennedy from the time they ended their employment at the White House to" January 11, 1996.55Bill Kennedy's effective date of resignation was 11/21/94. David Watkins' effective date of resignation was 6/17/94.
14. "All Executive Order documents located in Mr. Foster's Travel Office files and/or his briefcases."
15. "All records related to Harry Thomason and/or Darnell Martens discussing pursuing contracts with GSA, all records related to ICAP (Interagency Committee on Aviation Policy), and any records of the White House Counsel's office analyzing the issues raised by Mr. Thomason and Mr. Martens actions at the White House."
16. "All records related to any sexual harassment complaints about Mr. David Watkins during

the Clinton/Gore 1992 campaign or during his tenure at the White House and any records of meetings, actions, or communications regarding such complaints and all records related to the \$3000 per month retainer provided to Mr. Watkins by the Clinton for President campaign."

17."All records of any contacts, communications or meetings regarding the 'Watkins memo' produced to the Committee on January 3, 1996 and the chain of custody of this memo."

18."All indices or catalogues of Vincent Foster's office, tapes, computer and documents and who received each document from his office."

19."All records relating to the actions of Mr. Watkins at the White House regarding the use of White House helicopters, the names of all individuals in the two helicopters used in May 1994 for Mr. Watkins golf outing and all records relating to his departure from the White House."

20."All records relating to the matter of United States of America v. Billy Ray Dale, any investigation by the Justice Department into the White House Travel Office matter (as defined in the accompanying "Definitions and Instructions"), and all records relating to Billy Ray Dale as well as any records of talking points prepared about Mr. Dale."

21."All records related to the gathering of documents for any review or investigation related to the White House Travel Office matter (as defined in the accompanying "Definitions and Instructions"). This includes, but should not be limited to, the White House Management Review, the IRS internal review, the GAO Travel Office review, the OPR (Office of Professional Responsibility) investigation, the Public Integrity investigation, the Treasury IG investigation, the FBI internal review, Independent Counsel Robert Fiske, and Independent Counsel Kenneth Starr."

It is extremely important that staff members conduct a thorough search for responsive documents. Each Assistant to the President or Department head should ensure that his or her staff members conduct such a search.

We recognize that, in many respects, the House subpoena is identical to the December 19, 1995 document request previously sent to you by the Counsel's Office. You do not need to provide any documents which have already been produced to the Counsel's Office in response to the December 19, 1995 request, or any other prior request. But for all other responsive records that fall within the above categories, please provide such materials to Associate Counsel Elena Kagan in Room 125 OEOB no later than February 7, 1996.

If you have any questions regarding the House subpoena request, please call Jane C. Sherburne (6-5116) or Associate Counsel Natalie Williams (6-5079).

Thank you for your cooperation.

PP

July 15, 1998

MEMORANDUM FOR PARTICIPANTS AT BUSINESS MEETING ON H-1B

FROM: CECILIA ROUSE

SUBJECT: BACKGROUND

Purpose of Meeting

A group of companies and business groups are in the process of putting together their own proposal for a compromise on legislation to increase the number of H-1B visas. Their current proposals, which they presented to Lamar Smith today, are attached. The purpose of this meeting is to discuss their compromise. The participants from the business groups are mostly at the staff level and they are all very familiar with the H-1B program and the various alternatives that have been proposed.

Participants

Administration

NEC: Gene Sperling, Sally Katzen, Ceci Rouse

DPC: Elena Kagan, Julie Fernandes

OVP: David Beier

WH COS: Maria Echaveste

WH Leg Affairs: Peter Jacoby

Business

IBM: Paul Forlenza

NAM: Sandy Boyd

Chamber

of Commerce: Randy Johnson

Intel: Jenny Eisen

ITAA: Harris Miller, Susan Marshall

DRAFT -- FEBRUARY 2, 1996

MEMORANDUM FOR: ALL PERSONS ON ATTACHED DISTRIBUTION LIST

FROM: JOHN M. QUINN  
COUNSEL TO THE PRESIDENT

JANE C. SHERBURNE  
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: Additional Records Subpoenaed by the House Government Reform & Oversight Committee

As explained in our February 1, 1996 memorandum to all staff of the Executive Office of the President, the House Committee on Government Reform and Oversight has subpoenaed certain White House records in connection with its Travel Office investigation. In addition to the records identified in our February 1 memorandum, the Government Reform Committee also seeks certain other records from your files. Please review your White House "records,"<sup>11</sup> For purposes of responding to the subpoena requests, please refer to the definition of "records" found in the attached "Definitions and Instructions" of the Committee subpoena (see Attachment 1). and retrieve any

"records related to the White House Travel Office matter"<sup>22</sup> For purposes of responding to the subpoena requests, please use the definition of "White House Travel Office matter" appearing in the attached "Definitions and Instructions" of the Committee subpoena (see Attachment 1). or the "White House Project"<sup>33</sup> For purposes of responding to these requests, the term "White House Project" refers to an endeavour which "involved both improving the 'staging' of Presidential events as well as finding a way to utilize excess Presidential Inaugural Commission funds for outsourcing White House assistance or providing assistance to the White House." that were created as of January 11, 1996.

Although this request is similar to the December 19, 1995 request previously sent to some of you by the Counsel's Office, please be aware that it is broader in scope and seeks records created over a longer period of time. You do not need to provide any documents which have already been produced to the Counsel's Office in response to the December 19, 1995 request. However, it is extremely important that you conduct a thorough search of your records to determine whether you possess additional responsive material. All responsive records should be provided to Associate Counsel Elena Kagan in Room 125 OEOB no later than February 7, 1996.

If you have any questions regarding the House subpoena, please call Special Counsel Jane C. Sherburne (6-5116). **DD** DISTRIBUTION LIST

Office of Counsel to the President

John M. Quinn  
James Castello  
Bruce Lindsey  
Kathleen Wallman  
Donna Alberts

Jana Blair  
Pamela Brewington  
Gregg Burgess  
Chris Cerf  
Dawn Chirwa  
Jonathan Denbo  
Jennifer Dudley  
Mark Fabiani  
David Fein  
David Fielder  
Kathy Gavin  
Kim Holliday  
Ed Hughes  
Elena Kagan  
Erin Kelly  
Marvin Krislov  
John Lane  
Chris Lehane  
Randall Lewis  
Craig Livingstone  
Marna Madsen  
Cliff Mauton  
Cheryl D. Mills  
Cathy Moscatelli  
Melissa Murray  
Miriam Nemetz  
Stephen R. Neuwirth  
Victoria L. Radd  
Stacy Reynolds  
Trey Schroeder  
Sheri Schweitzer  
Robert (Bob) Van Kirk  
Odetta Walker  
Renee Warren  
Kathleen Whalen  
Natalie Williams  
Jon Yarowsky

\*\*\*\*\*

Mary Beck  
Lisa Caputo  
David Dreyer  
Anne Edwards  
Rahm Emmanuel  
Jeremy Gaines  
Dale Helms  
Jurg Hochuli  
Tom Hufford  
Andris Kalnins  
Neel Lattimore  
David Leavey  
Craig Livingstone

Ira Magaziner  
Capricia Marshall  
Roy Neel  
Bruce Overton  
Frank Stidman  
Marjorie Tarmey  
Lorraine Voles

EE

FEBRUARY 8, 1996

MEMORANDUM FOR:ALL PERSONS ON ATTACHED DISTRIBUTION LIST

FROM:JOHN M. QUINN  
COUNSEL TO THE PRESIDENT

JANE C. SHERBURNE  
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT:Additional Records Subpoenaed by the House Government Reform & Oversight Committee

As explained in our February 1, 1996 Memorandum to all staff of the Executive Office of the President, the House Committee on Government Reform and Oversight has subpoenaed certain White House records in connection with its Travel Office investigation. In addition to the records identified in our February 1 Memorandum, the Government Reform Committee also seeks certain other records from your files. Please review your White House "records,"<sup>11</sup>For purposes of responding to the subpoena requests, please refer to the definition of "records" found in the attached "Definitions and Instructions" of the Committee subpoena (see Attachment 1). and retrieve any

"records related to the White House Travel Office matter"<sup>22</sup>For purposes of responding to the subpoena requests, please use the definition of "White House Travel Office matter" appearing in the attached "Definitions and Instructions" of the Committee subpoena (see Attachment 1). or the "White House Project"<sup>33</sup>For purposes of responding to these requests, the term "White House Project" refers to an endeavour which "involved both improving the 'staging' of Presidential events as well as finding a way to utilize excess Presidential Inaugural Commission funds for outsourcing White House assistance or providing assistance to the White House." that were created as of January 11, 1996.

Although this request is similar to the December 19, 1995 request previously sent to some of you by the Counsel's Office, please be aware that it is broader in scope and seeks records created over a longer period of time. You do not need to provide any documents which have already been produced to the Counsel's Office in response to the December 19, 1995 request. However, it is extremely important that you conduct a thorough search of your records to determine whether you possess additional responsive material. All responsive records should be provided to Associate Counsel Elena Kagan in Room 125 OEOB no later than February 12, 1996.

If you have any questions regarding the House subpoena, please call Special Counsel Jane C. Sherburne (6-5116).**END**DISTRIBUTION LIST

WHITE HOUSE COUNSEL OTHER WHITE HOUSE STAFF

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Odetta Walker

Renee Warren

Kathleen Whalen

Natalie Williams

Jon Yarowsky

FEBRUARY 8, 1996

MEMORANDUM FOR: CATHERINE CORNELIUS

FROM: JOHN M. QUINN  
COUNSEL TO THE PRESIDENT

JANE C. SHERBURNE  
SPECIAL COUNSEL TO THE PRESIDENT

SUBJECT: Additional Records Subpoenaed by the House Government Reform & Oversight Committee

As explained in our February 1, 1996 Memorandum to all staff of the Executive Office of the President, the House Committee on Government Reform and Oversight has subpoenaed certain White House records in connection with its Travel Office investigation. In addition to the records identified in our February 1 Memorandum, the Government Reform Committee also seeks certain other records from your files. Please review your White House "records,"<sup>11</sup> For purposes of responding to the subpoena, please refer to the definition of "White House Travel Office matter" found in the attached "Definitions and Instructions" of the Committee subpoena (see Attachment 1). and retrieve

1. "[a]ny records related to the White House Travel Office matter<sup>22</sup> For purposes of responding to the subpoena requests, please use the definition of "White House Travel Office matter" appearing in the attached "Definitions and Instructions" of the Committee subpoena (see Attachment 1). or the White House Project<sup>33</sup> For purposes of responding to these requests, the term "White House Project" refers to an endeavour which "involved both improving the 'staging' of Presidential events as well as finding a way to utilize excess Presidential Inaugural Commission funds for outsourcing White House assistance or providing assistance to the White House." that were created as of January 11, 1996; and

2. all calendars, "phone records (including message slips, phone logs, pages or any White House record of phone calls)" for the period May 1, 1993 through July 31, 1993 "indicating any meetings, messages or discussions" with the following individuals: Bill Kennedy, Vince Foster, Mack McLarty, Ricki Seidman, John Podesta, Todd Stern, Dwight Holton, Andre Oliver, Brian Foucart, Bruce Lindsey, Jack Kelly, Matt Moore, Beth Nolan, Cliff Sloan, Bernard Nussbaum, David Watkins, Jennifer O'Connor, George Stephanopoulos, Dee Dee Myers, Clarissa Cerda, Jeff Eller, Patsy Thomasson, Mark Gearan, Leon Panetta, Harry Thomason, Maggie Williams, Susan Thomases, Darnell Martens, Webb Hubbell, Linda Bloodworth-Thomason, Larry Herman (or any other KPMG partners or employees) and James Lyons.

3. "[a]ll calendars and phone records, message slips or phone logs, of the following individuals, made to or from any of the following individuals, from May 1, 1995 through November 30, 1995 regarding the White House Travel Office matter or the case of U.S. v. Billy Ray Dale:" Jane Sherburne, Jon Yarowsky, Natalie Williams, Miriam Nemetz, Abner Mikva, Capricia Marshall, Patsy Thomasson, John Podesta, Mark Gearan, Bruce Lindsey, David Watkins, Janet Greene, Betsey Wright, Webb Hubbell Bill Kennedy, Jeff Eller, Neil Eggleston, Cliff Sloan, Mike Berman, Harry Thomason, Darnell Martens, Beth Nolan, James

Hamilton, Susan Thomases, James Lyons, Roy Neel, John Gaughan, any employee of the Military office, 44 See Attachment 2 for a list of Military Office employees from January 20, 1993 to the present. Larry Herman, John Shutkin, any employee of KPMG Peat Marwick, 55 We are aware that at least the following KPMG Peat Marwick employees were involved in some aspect of the White House Travel Office matter: Larry Herman, Dan Russell, Leslie Casson, Carolyn Rawdon, Nicholas DiCarla, Charles Siu and John Shutkin. Billy Ray Dale, Barney Brasseur, John Dreylinger, Ralph Maughan, John McSweeney, Robert VanEimeren, Gary Wright, David Bowie, Pam Bombardi, Tom Carl, Stuart Goldberg, Lee Radek, Jamie Gorelick, Adam Rossman and David Sanford

Although this request is very similar to the December 19, 1995 request previously sent to you by the Counsel's Office, please be aware that it is broader in scope and seeks records created over a longer period of time. You do not need to provide any documents which have already been produced to the Counsel's Office in response to the December 19, 1995 request. However, it is extremely important that you conduct a thorough search of your records to determine whether you possess any additional responsive material. All such records should be provided to Associate Counsel Elena Kagan in Room 125 OE0B no later than February 12, 1996.

If you have any questions regarding the House subpoena, please call Special Counsel Jane Sherburne (6-5116). ~~See~~ Attachment 1

[TO BE INSERTED] ~~See~~ Attachment 2

MILITARY OFFICE OFFICE EMPLOYEES  
JANUARY 20, 1993 - PRESENT

John Gaughan  
Alphonso Maldon  
Alan Sullivan  
Captain Jay Yakeley, USN  
Captain Mark Rogers, USN  
Colonel James Hawkins, USAF  
Bobby Chunn  
Joni Stevens  
Commander Howard "Buzz" Couch, USN  
Lieutenant Colonel Larry O. Spencer, USAF  
Major Russell Cancilla, USA  
Lieutenant Colonel John F. Schorsch, USA  
Major Michael G. Mudd, USA  
Commander Joseph Walsh, USN  
Commander Richard Fitzpatrick, USN  
Major John Wissler, USMC  
Major Leo Mercado, USMC  
Major Charles Raderstorf, USMC  
Major Michelle Johnson, USAF  
Major Darren McDew, USAF

Lieutenant Commander Wayne Justice, USCG  
Lieutenant Commander Robert Walters, USCG  
Lieutenant Commander June Ryan, USCG  
YN1 Carol Schrader, USN  
YN1 (AW) Ronald Wright, USN  
Technical Sergeant Jon Sams, USAF  
Staff Sergeant Keith Williams, USAF  
Staff Sergeant John Otto, USAF  
Technical Sergeant Jerome McNair, USAF  
Sergeant First Class Edmund Carazo, USA  
Sergeant Darryl Turner, USA