

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 022 - FOLDER -007**

**[01/10/1998 - 01/12/1998]**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mickey Ibarra ( CN=Mickey Ibarra/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:10-JAN-1998 14:33:57.00

SUBJECT: WH Conference

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Lynn G. Cutler ( CN=Lynn G. Cutler/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

CC: Sky Gallegos ( CN=Sky Gallegos/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I understand from Mike that he prepared a draft proposal for a WH Conference on education and perhaps some other meetings with specific constituencies to include mayors for you to review recently. When do you suppose it will be ready for circulation for comment by IGA and others? I am hopeful that we may be in a position to announce at least the mayor segment when the President meets with the USCM winter meeting attendees for breakfast in the WH on January 30. Thanks.

## **Presidential Directive on Coerced Abstinence in the Criminal Justice System**

### **January 12, 1998**

#### **Announcement**

- Today, the President directed the Attorney General to take the necessary steps to: (1) require states to determine the level of drug use in their prisons and report annually on their progress; (2) grant states the flexibility to use their federal prison funds for drug detection, offender testing and drug treatment; and (3) work with states to enact stiffer penalties for drug trafficking into and within correctional facilities. The President also announced that his FY 1999 budget will include nearly \$200 million for a series of initiatives to promote coerced abstinence and treatment in the criminal justice system.

#### **Towards a National Policy of Coerced Abstinence**

- Last week, Columbia University's Center on Addiction and Substance Abuse (CASA) released a study confirming the need for coerced abstinence and treatment in the criminal justice system. CASA's study found that 1.4 million offenders -- or 80% of the 1.7 million criminals in prison and jails -- were either high on drugs or alcohol when arrested, stole property to buy drugs, or have a history of drug and alcohol abuse. Many other studies also confirm that the majority of individuals in the criminal justice system have similar drug histories.
- **Testing to Measure Progress.** Under current law and federal guidelines, states are required to submit drug testing and intervention plans for their federal prison grant funding. The President's directive calls on the Attorney General to amend the guidelines to require states to also include a baseline report of their prison drug abuse problem, and to report every year thereafter to chart the progress they are making to reduce drug use and availability. The directive also encourages states to expand their efforts to include other offenders involved in the criminal justice system
- **Helping States Get the Job Done.** Today's directive asks the Attorney General to draft and transmit to the Congress legislation that will grant states the flexibility to use their federal prison construction and substance abuse treatment funds to provide the full range of drug testing, sanctions and treatment for offenders under criminal justice supervision. With this added flexibility, states could tap into the nearly \$8 billion in prison funds authorized by the 1994 Crime Law (about \$2 billion of which already have been appropriated to date).
- **Keeping Drugs Out of Prisons.** Finally, the President's directive calls on the Attorney General to work with the states to enhance their penalties for drug trafficking into and within correctional facilities. The 1994 Omnibus Crime Bill contains tough penalties for similar crimes. The President believes we must have "zero tolerance" for drug use and trafficking within our nation's prison system.

## A Record of Accomplishment

- President Clinton has consistently promoted a policy of drug testing, sanctions and treatment for offenders. Specifically, he has:

*Pushed for Drug Testing and Intervention in the 50 States.* The President fought for and signed the legislation requiring states to drug test prisoners and parolees as a condition for receiving prison grants. States must now submit comprehensive drug testing and intervention plans for prisoners and parolees by March 1998 and implement them by September 1998. Today's actions directly build on this effort.

**Doubled the Number of Federal Arrestees Tested.** President Clinton directed the Attorney General to create a program to drug test federal criminal defendants. Operation Drug TEST (Testing, Effective Sanctions and Treatment) was established and funded a pilot program to immediately test defendants upon their arrest. In FY 1997, data from 24 judicial districts indicated that 56% of defendants (9,308) were tested -- a dramatic increase over the 28% (4,929) of defendants tested in the previous year. There was also a 190% increase in drug treatment for defendants over the same period.

**Expanded Testing and Treatment in Federal Prisons.** Through his budgets and the 1994 Crime Act, the President has promoted coerced abstinence in the federal prison system. In 1997 federal prisoners were subjected to nearly 130,000 drug tests. Additionally, the number of inmates required to receive treatment increased by 3-fold (from 5,450 in FY 1993 to 17,943 in FY 1997).

*Multiplied the Number of Drug Courts.* As part of the 1994 Crime Act, the President fought to launch a \$1 billion initiative to spread Drug Courts across the country. Drug Courts use drug testing, sanctions and -- when necessary -- treatment to cut crime and addiction. Drug Courts have increased from a mere handful in 1993 to more than 200 that are operational today.

**Increased Resources in FY 1999 Budget.** The President's FY 1999 Budget will continue the Administration's policy of drug testing, sanctions and treatment. In particular, the budget includes \$192 million for the following programs:

- \$85 million for a new Drug Testing Initiative
- \$30 million to add more Drug Courts
- \$4.7 million for Operation Drug Test
- \$5 million for demonstration to combat teenage drug use
- \$72 million for treatment in state prisons

**“Zero Tolerance” Initiative for Drugs in Prison  
Questions and Answers  
January 12, 1998**

**Q. What is the President announcing today?**

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

(1) Require states to determine the level of drug use in their prisons and report annually on their progress. **Under current law and federal guidelines, states are required to submit drug testing and intervention plans for their federal prison grant funding. The President’s directive calls on the Attorney General to amend the guidelines to require states to also include a baseline report of their prison drug abuse problem, and to report every year thereafter to chart the progress they are making to reduce drug use and availability.**

(2) Give states the flexibility to use their federal prison funds for drug detection, offender testing, and drug treatment. The Attorney General will draft and transmit to the Congress legislation to give states the flexibility to use their federal prison construction and substance abuse treatment funds for the full range of drug testing, sanctions, and treatment for offenders under criminal justice supervision. This will allow states to tap into the nearly \$8 billion in prison funds authorized by the 1994 Crime Law (about \$2 billion of which already have been appropriated to date).

(3) Work with states to enact stiffer penalties for drug trafficking into and within correctional facilities. **Finally, the President’s directive calls on the Attorney General to consult with the states to enhance their penalties for drug trafficking into and within correctional facilities. The 1994 Omnibus Crime Bill contains tough penalties for similar crimes. The President believes we must have “zero tolerance” for drug use and trafficking within our nation’s prison system.**

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

**Q. How bad is the problem? Is this directive really needed?**

A. While crime rates continue to drop and overall drug use is down, illegal drugs remain an enormous factor behind the level of crime and violence in America. Drug addicts are involved in approximately 3 to 5 times the number of criminal incidents as arrestees who do not use drugs. Last week, Columbia University’s Center on Addiction and Substance Abuse (CASA) released a study confirming the need for coerced abstinence and treatment

in the criminal justice system. CASA's study found that 1.4 million offenders -- or 80% of the 1.7 million criminals in prison and jails -- were either high on drugs or alcohol when arrested, stole property to buy drugs, or have a history of drug and alcohol abuse.

Drug test results and anecdotal information reveal that even while incarcerated, offenders can gain access to drugs. In drug tests conducted last year, approximately 2 percent of offenders in federal prison and roughly 9 percent of inmates in state facilities tested positive for drugs.

President Clinton believes that our criminal justice system should reduce drug demand -- not prolong, enhance, or tolerate it. We know that drug testing and treatment can help to break the cycle of drugs and crime. Convicted offenders who undergo drug testing and treatment while in prisons and after release are approximately twice as likely to stay drug-free and crime-free as those offenders who do not receive drug testing and treatment. Today's directive and the resources proposed in the President's budget will help us get to zero tolerance for drugs in prison and to help states to cut crime and recidivism linked to drug abuse.

**Q. How is this different from previous actions taken by this Administration to address this issue? Is this anything new?**

A. The President's action today builds on his strong record of accomplishment in this area. In 1996, the President launched the first comprehensive effort to address the drug problem in our state criminal justice systems. President Clinton fought for and signed legislation to require states-- whose criminal justice systems house the vast majority of drug dependent offenders-- to drug test prisoners and parolees as a condition of receiving federal prison grants. Under the President's initiative, states must submit comprehensive plans of drug testing and intervention for prisoners and parolees by March 1, 1998 and implement them by September 1, 1998.

Today's directive complements the President's earlier initiative by helping us to chart the states' efforts to reduce drug use and availability in their prisons. The directive also makes more resources available to states to help them get the job done.

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

**Q. Is the federal government tracking the problem of drug use in its own prisons? What are you doing about the drug problem in federal prisons?**

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

Drug Testing. In 1997, federal inmates were subject to 127,460 drug tests. Two percent of tests were positive, as compared to the 9 percent average for state correctional systems.

Prisoners testing positive for drugs are appropriately punished and follow up tests are scheduled regularly to ensure they stay clean. Drug testing of correctional officers, and other selected employees is also an established policy in the Federal Bureau of Prisons.

Drug Treatment. In compliance with the 1994 Crime Law, drug treatment is provided to 100 percent of eligible inmates prior to their release from Bureau custody. In FY 97, nearly 31,000 inmates participated in Bureau treatment programs. The number of institutions offering residential treatment has grown from 32 to 42 since FY 1994.

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

**Q. Is this new reporting requirement for states on their prison drug problem tantamount to an unfunded mandate on states?**

- A. No. By law, states must develop and implement plans for drug testing and intervention as a condition of receiving federal prison construction grants. Today's action means that as part of those plans, states will need to add information on their existing prison drug use problem, and update that information annually. All 50 state correctional systems conducted some form of drug testing on their inmates last year; yet no comprehensive data exists on the prevalence on drug use in state prisons. Anecdotal reports have shown that certain systems, such as the District of Columbia's corrections department, have had difficulty keeping drugs out of prisons. The baseline information they provide will help us to chart states' progress to reduce drug use and availability in their prisons.

In order to provide additional resources for states to promote coerced abstinence and zero tolerance for drugs, the directive calls on the Attorney General to develop legislation to allow states to use their federal prison construction and treatment funds to carry out all of these activities.

In addition, the President is proposing \$197 million in FY 99 for a series of initiatives to help states promote coerced abstinence and treatment: 1) \$85 million for a new drug testing, sanctions, and intervention program for states and local criminal justice systems; 2) \$30 million for Drug Courts; 3) \$4.7 million for the federal Operation Drug Test program; 4) \$5 million for a juvenile justice demonstration program to combat teen drug use; and 5) \$72 million to continue the Residential Substance Abuse Treatment in State Prisons program.

**Q. The President's directive asks the Attorney General to work with states to increase their penalties for smuggling drugs into prisons. Are there tough penalties for trafficking drugs into federal prisons?**

A. Yes. The 1994 Omnibus Crime Act increased penalties for illegal drug use and smuggling drugs into Federal prisons. For instance, drug trafficking in Federal prisons can now lead to imprisonment for up to 20 years for smuggling narcotics and methamphetamine, and up to 5 years for trafficking marijuana.



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 16:19:27.00

SUBJECT: Re: Service and race

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Re: the possible race/service announcement in the current State of the Union draft, see the attached. Are you guys in favor of trying to do something like this? i.e., trying to line up some churches,etc. that would agree in advance to take up the President's challenge to organize service across racial lines? It would be tough to organize something big in 2 weeks, but we could try -- Harris could help in reaching out to people. Or do you think this won't work, and you're trying to substitute the college mentoring initiative into that section of the speech?

----- Forwarded by Diana Fortuna/OPD/EOP on 01/12/98  
04:14 PM -----

Sylvia M. Mathews

01/08/98 07:04:11 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc: Andrew J. Mayock/WHO/EOP, Diana Fortuna/OPD/EOP, Stephen B. Silverman/WHO/EOP

bcc:

Subject: Re: Service and race

I thought that what we were hoping was that a group of religious organizations would organize in a way that allowed the President to challenge (lightly) folks to participate and call their local branch of xyz synagogue or the branch of the National Council of churches. Do we think that something like that is possible>

Maria Echaveste

01/07/98 07:05:34 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP  
cc: Sylvia M. Mathews/WHO/EOP, Stephen B. Silverman/WHO/EOP  
bcc:  
Subject: Re: Service and race

The idea that we came up with was to see if we can't identify five religious organizations who will commit to a day of service to the community as a way of fostering racial reconciliations--something like that. It's in the thinking stage and of course we should see how it intersects with the service summit--ideas?

Diana Fortuna  
01/06/98 08:20:04 PM  
Record Type: Record

To: Maria Echaveste/WHO/EOP, Marjorie Tarmey/WHO/EOP  
cc: Stephen B. Silverman/WHO/EOP  
Subject: Service and race

Was there a discussion in a meeting on race this morning about the intersection between race and service, where it was agreed that your office would take some steps? I got somewhat confused reporting on the meeting. Steve and I have been integrally involved in service and in planning a service event for MLK day, and wanted to make sure we were in the loop.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides ( CN=Richard Socarides/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:12-JAN-1998 14:01:25.00

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

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

READ:UNKNOWN

TEXT:

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

----- Forwarded by Richard Socarides/WHO/EOP on 01/12/98

02:00 PM -----

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

Record Type: Record

To: Richard Socarides/WHO/EOP

cc: Maria Echaveste/WHO/EOP

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

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

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

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

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

Sandy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1998 07:59:06.00

SUBJECT: Summary Report of January 6 Discussion of Advisory Board Workplan and Prod

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI.

----- Forwarded by Julie A. Fernandes/OPD/EOP on 01/12/98

08:06 AM -----

Michael Wenger

01/09/98 08:24:22 PM

Record Type: Record

To: Sylvia M. Mathews/WHO/EOP

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

Subject: Summary Report of January 6 Discussion of Advisory Board Workplan  
and Products

Attached is the summary report of our January 6 meeting.

Message Copied

To:

Maria Echaveste/WHO/EOP

Ann F. Lewis/WHO/EOP

Minyon Moore/WHO/EOP

Douglas B. Sosnik/WHO/EOP

Lynn G. Cutler/WHO/EOP

Julie A. Fernandes/OPD/EOP

Claire Gonzales/PIR/EOP

Lin Liu/PIR/EOP

Audrey M. Hutchinson/PIR/EOP

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

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

TEXT:

Unable to convert ARMS\_EXT: [ATTACH.D47]MAIL48909211D.026 to ASCII,

The following is a HEX DUMP:

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## MEMORANDUM

TO: Sylvia Mathews  
Assistant to the President and Deputy Chief of Staff

FROM: Judith A. Winston  
Executive Director

DATE: January 9, 1998

SUBJECT: Summary Report of January 6, 1998 Discussion of Advisory Board Workplan and Products through FY 1998

Attached is a revised schedule for Advisory Board activities through FY 1998. It reflects the discussion held on January 6. The schedule includes suggested topics for Advisory Board meetings. Some topics which may warrant Advisory Board attention are not included due to time constraints. However, it may be worth exploring whether a way should be found to include these topics. Among these topics are access to health care, equal housing opportunities, and the meaning of being an American in the One America envisioned by the President.

There was considerable discussion at the meeting regarding products which will result from the work of the Advisory Board. A general consensus formed around six products, and they are outlined below. Other products related to Board meetings and Board member activity are being proposed and developed, and we should have a separate meeting to discuss them.

### Products from Advisory Board

1. Advisory Letters to the President from Dr. John Hope Franklin on behalf of the President's Advisory Board:

These letters would be prepared following each meeting of the Advisory Board. The substance of these letters would be the provision of advice to the President on matters relating to the topic of the Advisory Board meeting.

2. Individual Board Members Feedback to the President:

Advisory Board members have been provided with standard forms on which to provide feedback to the Initiative following each activity in which they engage as an Advisory Board member. On a monthly basis each Board member will summarize (perhaps with staff assistance) such feedback, particularly as it relates to the identification of promising practices, the recruitment of leaders, and the fostering of dialogues, and provide it in written form to the President.

3. Leadership Recruitment for On-going Activities:

The members of the Advisory Board will identify and recruit leaders who will continue to engage in racial reconciliation activities following the conclusion of the work of the Advisory Board. For example, through the corporate outreach effort, Bob Thomas will identify leaders in the corporate sector; through the religious outreach effort, Rev. Suzan Johnson Cook will identify leaders in the faith community; through activities with organizations of public officials, Governors Winter and Kean will identify leaders among public officials. All Board members will be involved in the effort to identify and recruit leaders. On the feedback form mentioned in item 2, Board members are encouraged to identify leaders in communities they visit.

4. Promotion of Dialogues

Through the use and distribution of One America Conversation Packets and the more comprehensive Race Dialogue How-To Kits, Advisory Board members will encourage dialogues in communities they visit. Among the issues which need to be resolved are ways in which to record these dialogues, receive feedback from them, measure their quantity and effectiveness, and obtain press attention for them. The Board, with staff assistance, will develop a written summary of efforts to promote and sustain dialogue.

5. Promising Practices

Advisory Board members, during their visits to various communities, will identify promising practices and report them to the Initiative staff. Also, through regular communications with Initiative staff, Board members will receive reports of promising practices for inclusion in speeches as examples of how communities can work toward racial reconciliation. One example could be a reference to Boston's Team Harmony Project as something that could be replicated elsewhere.

6. Summaries of Advisory Board Meetings and Town Halls

Following each Advisory Board meeting and Town Hall, Initiative staff will produce a detailed summary of the event, including information gathered, opinions expressed, conclusions reached, and follow-up planned. These summaries will be transmitted by Dr. Franklin to the President in a timely fashion.

OUTREACH SCHEDULE (revised 1/8/98)  
PRESIDENT'S INITIATIVE ON RACE

January:

- 13-14 Advisory Board Meeting, Phoenix, AZ -- Employment
- 14 Workplace Diversity Forum, Phoenix, AZ
- 30 Corporate Executives Forum, Los Angeles, CA

February:

- 10 Religious Leaders Forum, Newark, NJ
- 10-11 Advisory Board Meeting, Oakland/San Francisco, CA -- Race and Poverty
- TBD (week of 22nd) Corporate Executives Forum, New York City

March:

- 3 or 4 Advisory Board Town Hall Meeting, Atlanta, GA or Minneapolis, MN
- TBD (week of 1st) Religious Leaders Forum, Baltimore
- TBD (week of 8th) Corporate Executives Forum, Chicago, IL or Cincinnati, OH
- TBD (week of 15th) Religious Leaders Forum, Columbia, SC
- 24 Religious Leaders Forum, Denver, CO
- 24-25 Advisory Board Meeting, Denver, CO -- Race and Stereotyping

April:

- 22 Religious Leaders Forum, Location TBD
- 22-23 Advisory Board Town Hall Meeting, Chicago, IL
- TBD Campus/Community Week of Dialogue

May:

- 19-20 Advisory Board Meeting, San Antonio, TX -- Immigration
- TBD Corporate Leaders/Religious Leaders Meeting with President

June:

- 17-18 Advisory Board Town Hall Meeting, Birmingham, AL

July:

- TBD Advisory Board Meeting, Charleston, SC -- Administration of Justice

August:

- TBD Advisory Board Town Hall Meeting, Seattle, WA -- Our Future (Youth)

Additional Activities:

- March 16-17 University of Mississippi (Dr. Franklin, Gov. Winter)
- March 17-20 AFL-CIO Executive Council, Las Vegas
- March 26-29 AFL-CIO Full Participation Conference, Los Angeles
- March 28 Children's Defense Fund Race Town Hall Meeting, Los Angeles
- TBD American Indian/Alaska Native Town Hall Meetings
- TBD President's Town Hall Meetings (3)

January 16, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed  
Elena Kagan

RE: DPC Weekly Report

**Immigration -- Skills of Immigrants:** The attached U.S. News article discusses the issue of whether we should change our legal immigration system to strengthen preferences for skilled and well-educated prospective immigrants over those that are poorly educated and unskilled. The current immigration system is set up to favor keeping families intact. Thus, the vast number of legal immigrants are brought to this country through family-based visas, which do not take into account education or skill level. The article cites a Rand study proposal to create a point system of immigration which continues to give weight to immediate family reunification but would also give points for education, language skills, and work experience. The final report of the Commission on Immigration Reform also recommends a shift in priority toward higher skilled immigrants. Instead creating a point system, the Commission recommends revising skill-based admissions (approximately 100,000 visas) to favor highly-skilled and educated immigrants and eliminating altogether the category of unskilled workers. Though we think that these ideas are well worth exploring, it is unlikely that Congress will want to consider an overhaul of legal immigration this year. Efforts to reduce legal immigration levels were defeated during consideration of the 1996 illegal immigration law.

**Education -- Single Sex Schools in New York City:** DPC has been meeting with the White House Counsel's office, the Education and Justice Departments, to address the OCR response to a complaint against the existence of the all girl's Women's Leadership Academy in New York City. Both you and Secretary Riley are in complete agreement that, as a matter of policy, school districts should be (encouraged??? free???) to establish single sex schools as part of the mix of education options. The Office of Civil Rights has placed its investigation of the complaint on hold, and will take no steps in the foreseeable future to press New York City to change the status of the school. However, civil rights offices in both Education and Justice believe that such schools ultimately may be difficult to justify under Title IX or Article (relevant Constitutional reference), in part because they have discriminatory admissions policies, and partly because separate schools will inevitably become unequal and to the ultimate disadvantage



of females. They believe that the strongest legal case for permitting single sex schools is an argument that they are an appropriate remedy for past discrimination, such as low academic performance of females in co-educational settings. Neither of the cognizant Civil Rights offices want to take formal action on this issue, because they believe they will be forced to oppose single-sex schools.

Late in December, Secretary Riley and Rudy Crew agreed to appoint small teams of educators from the Education Department and the NYC Schools to work collaboratively to develop the strongest case for the Women's Leadership Academy. The teams will begin to plan their work next week. This process may take some time, and during this period the Education Department's Office of Civil Rights will not take any further actions on this case.

**Health Care -- Robert Reich's Proposal for Fixed Dollars for Health Care:** You asked for an analysis of Robert Reich's proposal to forgo a new increase in the minimum wage and instead require that employers require a certain fixed dollar amount for health care. As you will recall, we did forgo proposing a minimum wage increase when we proposed the Health Security Act because we did not want to load up the costs to employers. The idea of having a defined minimum employer contribution certainly has some merit as it would make a significant contribution to decreasing the number of uninsured. Having said that, there are a number of political and policy issues that have to be seriously considered prior to pursuing such a proposal.

There are numerous political and administrative complications that would have to be worked out before moving forward on such an initiative, such as: (1) whether or not we would be forced to add subsidies for this; (2) whether employers would be accountable if their employees had coverage from their spouse's employers; or (3) whether certain employers would be exempt.

Having said this, if you would like to further pursue this you should be aware that of some of the disadvantages. We will have to use a great deal of capital with the employer community as we move forward on our other current health care policies such as health care quality and the COBRA extension for the "promise breaker" employees who have dropped retiree health care coverage. Adding this proposal to the mix would no doubt create a great deal of public animosity from the employer community. Moreover, in a Republican Congress there is no chance that this would pass and it would likely be characterized as another step to "take over the health care system." Although liberal Democrats would be comfortable with this proposal, our centrist Democrats would not support it, primarily because of the opposition from the small business community.

**Health Care -- Medicare HMOs Dropping Benefits:** You asked us to respond to recent reports that Medicare HMOs were dropping benefits because of changes in Medicare reimbursement policies. We have asked HHS to review the extent to which this is occurring. However, it is important to note that many independent policy experts believe that payments to HMOs still are, on average, excessive given the fact that they continue to attract disproportionately healthy populations. They believe that any movement towards reducing

benefits are more attributable to HMO's desire for adequate profit margins for their investors rather than adjustments in reimbursement issue. In fact, one corporate executive just informed us that Medicare continues to be their number one most profitable player. Having said that, the fact that the BBA is starting to reduce Medicare reimbursements to HMOs will clearly contribute to lower revenues for these health plans. It is important to note that the added benefits in Medicare HMO plans do help encourage beneficiaries to participate in these plans. The outstanding question is whether or not we want to allow payment rates to exceed what is necessary so as to ensure that these additional benefits are in place. Regardless, any move in this direction would be premature until we have better information about the extent to which HMOs are reducing benefits and the reasons behind such a trend.

**Q&A for Food Safety**  
**January 12, 1998**

**Q:** What steps will the Clinton Administration take to improve food safety?

**A:** Last year we were able to increase spending on food safety by approximately \$40 million. This year, our budget will seek an even more substantial increase in resources to improve food safety. The resources will go to a variety of initiatives, including: implementing our aggressive fresh produce plan to hire FDA inspectors to improve the safety of our nation's fruits and vegetables, both domestic and imported; increasing the risk assessment on beef, chicken and pork to better determine the source of the greatest risk of contamination; developing more tests for meat and poultry for federal inspectors and others to detect food-borne illnesses; improve educational outreach on proper food handling; and expanding CDC's surveillance activities for food-borne illnesses.

**Q:** Why is your Administration proposing these actions?

**A:** We have the ability to help Americans stay healthier and increase their confidence in the safety of the food they eat. We also need to keep up with the changes in the agricultural marketplace, and in our diets. For instance, there have been dramatic changes in the produce department of the grocery store. Thirty years ago, most produce sections only had around a dozen items year round, increasing to as many as 50 in the summer. Today, the chances are that there are 400 or more items in the produce section and they are there all year round. Last year, 38 percent of the fruit and 12 percent of the vegetables Americans ate were imported.

We have changed as well. Americans are eating more fresh fruits and vegetables than ever before, and our nation's health experts tell us we will live longer, better quality lives as a result. Our environment is also changing. We are finding "new" exotic bugs such as cyclospora and *E. coli* O157:H7 on our food that once were not there.

We must ensure that these changes do not increase the risk to consumers of food borne illnesses.

**Q:** Is this a new issue for the Administration?

**A:** No, our actions are part of a continuing effort that has seen real accomplishment every year:

- \* October, 1997. President announces new initiative to enhance FDA oversight over imported foods and to develop guidance on good agricultural and manufacturing practices for fruits and vegetables; to seek legislation to give FDA the same authority that USDA has to inspect imports; and to seek funds to greatly expand FDA's inspection force.
- \* January, 1997. Administration announces comprehensive new initiative to improve the safety of nation's food supply detailing a \$43 million food safety program, including measures to improve surveillance, outbreak response, education, and research.
- \* August, 1996. President signs Safe Drinking Water Act of 1996. The law requires drinking water systems to protect against dangerous contaminants like cryptosporidium, and gives people the right to know about contaminants in their tap water.
- \* August, 1996. President signs Food Quality Protection Act of 1996, which streamlines regulation of pesticides by FDA and EPA and puts important new public-health protections in place, especially for children.
- \* July, 1996. President Clinton announces new regulations that modernize the nation's meat and poultry inspection system for the first time in 90 years. New standards help prevent E.coli bacteria contamination in meat.
- \* December, 1995. Administration issues new rules to ensure seafood safety. Utilizes HACCP regulatory programs to require food industries to design and implement preventive measures and increase the industries' responsibility for and control of their safety assurance actions.
- \* 1994. CDC embarks on strategic program to detect, prevent, and control emerging infectious disease threats, some of which are food borne, making significant progress toward this goal in each successive year.
- \* 1993. Vice-President's National Performance Review issues report recommending government and industry move toward a system of preventive controls.