

**Subject:** Night Note 3/14  
**Sent:** Mon, 14 Mar 2005 18:35:03 -0500  
**From:** "Bennett, Jessica C." <Jessica\_C.\_Bennett@who.eop.gov>  
**To:** "Hughes, Taylor A." <Taylor\_A.\_Hughes@who.eop.gov>, "Jackson, Barry S." <Barry\_S.\_Jackson@who.eop.gov>, "Smith, Heidi M." <Heidi\_M.\_Smith@who.eop.gov>, "Burks, Jonathan W. (COS)" <Jonathan\_W.\_Burks@who.eop.gov>, "Hook, Brian H." <Brian\_H.\_Hook@who.eop.gov>, "Silverberg, Kristen" <Kristen\_Silverberg@who.eop.gov>, "Riepenhoff, Allison L." <Allison\_L.\_Riepenhoff@who.eop.gov>, "Kavanaugh, Brett M." <Brett\_M.\_Kavanaugh@who.eop.gov>, "West, Christal R." <Christal\_R.\_West@who.eop.gov>, "Weinstein, Jared B." <Jared\_B.\_Weinstein@who.eop.gov>, "Boyer, Matthew W." <Matthew\_W.\_Boyer@who.eop.gov>  
[Pending Issues- 3-14.doc](#)  
[POLICY TIME CALENDAR- 3-14.doc](#)  
[Working Group Calendar- 3-14.doc](#)  
[Cabinet Member Schedule- 3-14.doc](#)

**Pls note- this information is sensitive; eyes only**

Attached are the Pending Issues, Policy Time Calendar for this month and next month, the Working Group Calendar for the next two weeks, and the Cabinet Member Schedule for the next week.

Thanks,  
Jessica  
x61475

March 14, 2005

**MEMORANDUM FOR ANDY CARD, KARL ROVE AND JOE HAGIN**

FROM: KRISTEN SILVERBERG, JONATHAN BURKS, BRIAN HOOK

RE: NIGHT NOTE

- **Mercury Rule** – Asst. Admin Holmstead will announce the rule tomorrow at 2:00 p.m. tomorrow. The roll-out documents are being reviewed by the appropriate WH offices.
- **Title IX Manual** – This Friday, the Department will issue a Manual to help schools that want to use surveys to test student interest in sports. Schools that can demonstrate that one gender has less interest in participating in sports can adjust their athletic programs accordingly. The Manual will not be well-received by women's groups but is consistent with the Department's previously announced views on the appropriateness of surveys. The Speaker's office is comfortable with the roll-out plan and we do not expect the Speaker to raise concerns tomorrow with the President. The Department will brief Members of Congress and a select reporter on Thursday. We will briefly raise with the President during Policy Time tomorrow.
- **Incapacitated Persons Legal Protection Act** ("Terry Shiavo bill") – Rep. Weldon and Sen. Martinez introduced legislation to allow incapacitated individuals who are the subject of a court order to remove nutrition, hydration or medical treatment to challenge the court order in federal district court. At a DPC-hosted meeting today, the group agreed that DOJ should work with Hill staff to make technical corrections to the bill.
- **Food Pyramid** – USDA is preparing to roll out an updated food guidance system which will replace the food pyramid (and the 4 basic food groups). The dietary recommendations change based on age, weight, activity level, etc. so USDA has developed an interactive tool ([mypyramid.gov](http://mypyramid.gov)) where people can enter their relevant data and get personalized recommendations. WH communicators will work with USDA on the rollout, which may be March 29.
- **Bioethics** – During the SOTU address, the President expressed general support for additional bioethics protections. We told reporters at the time that he would put out details at a later date. After lengthy discussions with Leon Kass and others, Mike Gerson, DPC (and Kristen) recommend seeking legislation that includes only the provisions widely supported by the outside groups (no man-animal hybrids; no commoditization of embryos; and no fetal farming). We would not recommend including provisions on either reproductive or research cloning, but would continue to pursue these for now through the existing Brownback legislation. We are working with DPC and OLA on a strategy and will ask DPC to convene a principals meeting at the appropriate point.



## Other Issues

- Supplemental (Shirzad/Cleveland; Silverberg) – A draft SAP is in staffing raising the need for funding for the Solidarity Fund, UN Peacekeeping, funding for Ukraine, the Embassy and other issues.
- TPA Extension (Shirzad/NSC; Burks) – President must submit extension request by April 1.
- Iran Nonproliferation Act (Klinger/NSC; Burks)
- Asbestos (Ho/DPC; Hook) – Sec. Chao will testify tomorrow before Senate Labor and HHS regarding our preference for creating a separate entity to administer the Fund, rather than placing the Fund at DOL.
- Born-Alive Infants Protection Act (Ho/DPC; Hook) – DPC convened a meeting to have HHS brief us on their plan to issue a guidance letter for the first time enforcing the Born-Alive Act. We have asked HHS to develop its roll-out plan with the close participation of Sec. Leavitt.
- Welfare (Halaska/DPC; Hook) – Senate Finance passed welfare reauthorization with \$6b in childcare spending offset by closing EITC loopholes. The bill also increases SSBG funding by \$1b over five, also offset. Frist is reportedly disinclined to give the bill floor time in the near future. A Ways and Means subcommittee will mark up a bill this week.
- Economic and Community Development (Halaska/DPC; Hook) – DPC's goal is have legislation drafted by April 8 to release publicly.
- Helping America's Youth Initiative (Halaska/DPC; Hook)
- Abstinence (Halaska/DPC; Hook) – Leavitt will do an event by the end of March to roll out abstinence materials, (a parent guide and teen guide) developed by HHS in consultation with the WH.
- Indians (Ho/DPC; Hook) – Kristen spoke to DOI about the Hatch issue. DPC is running a process on long-term fixes to the Indian Trust Fund issue.
- Endangered Species Act (CEQ; Hook) – The House (Rep. Pombo) and Senate (Chafee and Crapo) both are drafting updates to the Endangered Species Act, which they hope to pass this Congress.
- Health IT (Hall/DPC; Burks)
- EEOC (Colucci/DPC; Hook) Definition of "Applicant" – DOL will finish internal clearance of its rule and share with EEOC as soon as possible. EEOC will then find a way to signify by reference or footnote in their final guidance that DOL's rule is consistent with EEOC's position.
- FECA Reform (Colucci/DPC; Hook) – DOL's proposed bill would save nearly \$700 million over 10 years. DPC hosted a meeting last week to work through two provisions that remain unresolved concerning the payment of "concurrent receipts" of workers comp and pension benefits for injured workers who return to work. The second involves streamlining workers comp payments. Parties discussed a compromise of these proposals.
- Immigration/ Temporary Worker Program (Ho/DPC; Hook) – Claude will be meeting with members of Congress starting next week to learn more about the support and opposition to the TWP. Senator Kyl has expressed to us an interest in moving a bill in the fall. Allyson will host an interagency meeting next week.



- Tort Reform/ Lawsuit Abuse Reduction Act (Ho/DPC; Hook) – We met with DOJ last week and received a more optimistic briefing than expected on reaching agreement with the bill sponsors on revisions
- Tricare Rx (Hall/DPC; Burks) – Proposed FSS rule will be published soon; litigation likely on FCP.
- FOIA Legislation (Newstead/OMB; Burks) – DOJ preparing views letter on Cornyn-Leahy legislation that will be critical of most of the bill; won't deliver letter until after conversations with Cornyn staff.
- Federal Sentencing Guidelines (Ho/DPC; Hook) – DOJ will have a legislative proposal at the end of the month for White House review
- Union Financial Transparency (Colucci/DPC; Hook) – DOL has informally submitted the rule to provide for greater union financial transparency for White House comment prior to the formal submission.
- FAA contract negotiations with air traffic controllers (Colucci/DPC; Hook)
- Methamphetamine (Gilbert/DPC; Hook)
- Crime/Guns (Ho/DPC; Hook) – A House Democrat introduced legislation yesterday that would ban terror suspects on out watch lists from buying guns. Senator Lautenberg and several Democratic colleagues have requested a meeting with Director Mueller to discuss legislative fixes. DPC will convene a discussion with DOJ, DHS and WH offices on the issue.
- Digital TV Transition (NEC; Burks) – House interested (Senate skeptical) in setting hard date for television broadcasters to move from analog spectrum to digital spectrum and removing 85% rule. Action as part of reconciliation possible, but not likely.
- GSE Reform (Warsh/NEC; Burks) – OLA will test with Shelby staff next week the possibility of keeping new program review at HUD (at Secs. Snow and Jackson's request) and whether the new proposal to regulate portfolio composition changes Hill views on the appropriate location for the new regulator (Treasury v. independent).
- Tax Reform (Reardon/NEC; Burks) – The Tax Reform panel has three additional hearings planned for Chicago, New Orleans, and San Francisco. The Commission is working toward an interim report in April that will describe the need for reform of the tax code.
- Terrorism Insurance Reauthorization (Warsh/NEC; Burks) – Treasury report on program due June 30, 2005 but expected earlier; program expires December 30, 2005. NEC has launched broad policy review to ensure all options are considered.
- Buy American Act (Safavian/OMB; Burks) – Defense Authorization likely to be locus of fight on "excessive" non-compliance with American production requirements.
- Pensions (Hennessey/NEC; Burks)
- Telecommunications (Russell/NEC; Burks) – NEC will convene a meeting next week to discuss next steps w/r/t legislation and administrative approaches.
- Postal Reform (Colucci/DPC; Hook) – Claude met last week with Senators Collins, Carper and Chairman Davis, and the meeting was fairly contentious. Collins and Davis pointedly blamed OMB for killing postal reform last Congress. Davis said that if the White House stops reform again, we will not move any legislation through his committee. The Members said that they are taking our reforms and receiving nothing in return. Claude responded that we need real reforms; the bills must be deficit-neutral; we will take a hard look at escrow, and will work closely with them to pass legislation.

## POLICY TIME – MARCH 2005

SUN	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT
13	14 NO TIME  H: Suspensions	15 1:20-2:05pm DPC: Education (45 min)  H: Supplemental, Budget S: Budget	16 2:35-3:20pm DPC: Airlines (45 min)  H: Supplemental, Budget S: Budget	17 9:00-9:30am NSC: March 23 Pre-Brief (30 min)  H: Budget S: Budget	18 NO TIME  TRAVEL  H: Budget S: Budget	19
20	21 NO TIME TRAVEL  Congressional Recess	22 NO TIME TRAVEL  Congressional Recess	23 NO TIME TRAVEL  Congressional Recess	24 NO TIME TRAVEL  Congressional Recess	25 NO TIME TRAVEL  Congressional Recess	26
27	28   Congressional Recess	29   Congressional Recess	30   Congressional Recess	31   Congressional Recess		

**Issues for future policy times: Nuclear; Budget Resolution; CAFTA**

## POLICY TIME - APRIL 2005

SUN	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT
					1  Congressional Recess	2
3	4	5  H: Energy Bill	6  H: Energy Bill	7  H: Energy Bill	8	9
10	11  S: Supplemental	12  H: GSEs S: Supplemental	13  H: GSEs S: Supplemental	14  H: GSEs S: Supplemental	15	16
17	18	19  H: Gun Liability	20  H: Gun Liability	21  H: Cheeseburger Bill	22	23
24	25  H: Conf. Reports	26  H: Conf. Reports	27  H: Conf. Reports	28  H: Conf. Reports	29  H: Conf. Reports	30



## Working Group Calendar

Monday, March 14	Tuesday, March 15	Wednesday, March 16	Thursday, March 17	Friday, March 18
8:15 Social Security Conference Call	8:15 Social Security Conference Call	8:15 Social Security Conference Call	8:15 Social Security Conference Call	8:15 Social Security Conference Call
11:45 Regular LSG on Social Security (KS)	1:00 Defense Congressional Reporting- PCC	11:30 Plans, Training, Exercises, and Evaluation- PCC	10:00 WMD Terrorism Threats- PCC	11:00 Policy Deputies- DC (KS, JB, BH)
3:00 HHS Guidance on Born Alive Infants Protection Act- PCC	3:00 CAFTA- PCC (KS and JB)	11:30 Information Sharing- PCC	1:00 Asbestos Conference Call- PCC (KS)	6:15 Budget Strategy Conf Call- PCC (KS)
4:00 HSC/NSC- DC	6:15 Budget Strategy Conf Call- PCC (KS)	1:00 Maritime Security- PCC	3:00 Biometric Screening of Foreign Visitors- PCC	
4:00 NASA- PCC		4:00 Legislative Mtg on Rewrite of 1996 Telecom Act- PCC (KS)	5:30 Regular LSG on Social Security (KS)	
5:00 Budget Strategy Conf Call- PCC (KS)		6:15 Budget Conf Call- PCC (KS)	6:15 Budget Conf Call- PCC (KS)	

## Working Group Calendar

Monday, March 21	Tuesday, March 22	Wednesday, March 23	Thursday, March 24	Friday, March 25
8:15 Social Security Conference Call  11:30 Regular LSG on Social Security (KS)	8:15 Social Security Conference Call	8:15 Social Security Conference Call	8:15 Social Security Conference Call  1:00 Asbestos Conference Call- PCC (KS)	8:15 Social Security Conference Call  11:00 Policy Deputies- DC (KS, JB, and BH)





OFFICE OF CABINET LIAISON  
CABINET MEMBER SCHEDULE

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**TUESDAY 03/15/2005**

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**Secretary Jackson**

9:30am – 9:45am	<b>RM 166</b>	Office Time
9:45am – 10:15am	<b>RM 166</b>	Meeting with Sara Taylor

*Participants:*

HUD

Kimberly Snyder, Secretary's Personal Asst.

10:15am – 10:30am	<b>RM 166</b>	Office Time
10:30am – 11:00am	<b>RM 166</b>	White House Fellows Program

*Participants:*

HUD

Kimberly Snyder, Secretary's Personal Asst.

Sam Khichi, HUD White House Fellow

11:00am – 11:30am	<b>RM 166</b>	Meeting with Lezlee Westine - Coalitions
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*Participants:*

HUD

Kimberly Snyder, Secretary's Personal Asst.

**Secretary Gutierrez, Secretary Johanns, Secretary Spellings, Director Walters  
and Acting Administrator Johnson**

11:30am – 12:15pm      **CL Conf RM**      Social Security Briefing

*Participants:*

White House

Al Hubbard, Asst. to the President for Economic Policy

Barry Jackson, Deputy to the Senior Advisor

Chuck Blahous, Special Asst. to the President for Economic Policy

Cathie Martin, Special Asst. to the President for Economic Policy

DoED

David Dunn, COS

ONDCP

Tom Riley, Social Security Surrogate, OPL

USDA

Drew DeBerry, COS

**Secretary Johanns**

4:00pm – 4:20pm      **CL Conf RM**      Kitchen Cabinet Meeting

*Participants:*

White House

Nicolle Devenish, Asst. to the President for Communications

David Anderson, CEQ

Kevin O'Donovan, Asst. to the VP for Domestic Policy

Chuck Conner, Special Asst. to the President for Agriculture Trade and Food Assistance

Chris Smith, OPL

Marcus Peacock, OMB

Meg Hauck, Special Asst. to the President for Legislative Affairs

USDA

Drew DeBerry, WH Liaison

4:20pm – 4:35pm      **RM 166**      Meeting with Kristen Silverberg – Policy Process

*Participants:*

USDA

Drew DeBerry, WH Liaison

4:35pm – 5:50pm      **RM 166**      Office Time

5:50pm – 6:00pm      **RM 166**      Meeting with Heidi Smith – Cabinet Liaison Overview

*Participants:*

USDA

Drew DeBerry, WH Liaison

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WEDNESDAY 03/16/2005

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**Secretary Bodman**

b(6)

**Secretary Chao**

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**Secretary Mineta**

3:00pm – 3:45pm      **Oval Office**      Meeting with POTUS – Airline Policy Time

*Participants:*

DOT

Karan Bhatia, Asst. Secretary for Aviation and International Affairs

*Note: Jess Sharp is Coordinating Policy Content and Details with Staff Participants*

**Director Walters**

5:00pm – 5:45pm      **RM 166**      Meeting with Fayar Shirzad, NSC – Counter Narcotics Policy in Afghanistan

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THURSDAY 03/17/2005

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**Secretary Nicholson**

11:25am – 12:00pm      **White House**      St. Patrick's Day Event

12:45pm – 1:45pm      **WH Mess**      Lunch with Chip DiPaula, Secretary of Budget and Management, Maryland

2:10pm – 2:30pm      **Oval Office**      Meeting with POTUS and American Legion National Commander

**Secretary Chao**

b(6)

**Secretary Spellings**

3:00pm – 3:10pm      **RM 166**      Meeting with Terrell Halaska

3:10pm – 5:00pm      **RM 166**      Office Time



### Secretary Norton

4:45pm – 5:15pm      2FL/WW      Meeting with Al Hubbard – Outer Continental Shelf

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**FRIDAY 03/18/2005**

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### Secretary Chao

b(6)

### Secretary Leavitt

1:00pm – 3:00pm      RM 166      Office Time

### Secretary Mineta

1:30pm – 2:30pm      CL Conf RM      Office Time  
2:30pm – 3:00pm      RM 166      Social Security Briefing

#### *Participants:*

#### White House

Barry Jackson, Deputy to the Senior Advisor  
Chuck Blahous, Special Asst. to the President for Economic Policy  
Cathie Martin, Special Asst. to the President for Economic Policy

3:00pm – 3:30pm      RM 166      Office Time

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**MONDAY 03/21/2005**

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### Director Walters

10:30am – 11:00am      CL Conf RM      Meet and Greet

#### *Participants:*

#### White House

Claude Allen, Asst. to the President for Domestic Policy

#### ONDCP

Stephen Katsurinis, COS

### Secretary Bodman

3:00pm – 3:30pm      1FL/WW      Meeting with Steve Hadley – International Nonproliferation and Energy Programs