

THE WHITE HOUSE
WASHINGTON

September 13, 1995

MEMORANDUM FOR HAROLD ICKES

FROM: JENNIFER O'CONNOR

SUBJECT: PROPOSALS

Below is a list of the proposals which you have asked me to follow up on in the past few months. The status of each proposal is included.

Minimum Wage: This proposed Executive Order would require federal contractors to pay the minimum wage to their employees. The Department of Labor submitted a proposal on August 30; it was reviewed by OMB, NEC, DPC, CEA, Vice President's Office, White House Counsel, Office of Legal Counsel at Department of Justice (OLC). All offices expressed significant concerns with it. It has not moved forward.

Foreign Lobbying: This proposed Executive Order would ban all Executive Branch officials from contact with registered agents of foreign governments when the contact is for the purpose of influencing the U.S. government on behalf of foreign governments. The Domestic Policy Council presented some positive views, while State, USTR, DOJ, Treasury, Commerce and the NSC all expressed concerns. The Executive Order was put on hold pending movement towards the commission Speaker Gingrich and the President agreed to.

Cancer Drugs: This proposed Executive Order would reform the approval process for cancer drugs, speeding it up. HHS submitted a memorandum last week explaining that an Executive Order would probably not be appropriate because the current process is working well. No action has been taken since receipt of that memorandum.

Truck Driver Fatigue: This proposed Executive Order would deal with the issue of truck driver fatigue. The Department of Transportation provided a memorandum on September 6 which stated that an Executive Order would not reach many people and that DoT is already making great efforts in this area. The memorandum proposed that the President participate in a public education campaign around Thanksgiving or in an announcement of a driver fatigue study to come out in the Spring. It suggested any executive action would have to be in the form of a regulation. No action has been taken since receipt of that memorandum.

Prison Drug Testing: On August 16, the Department of Justice submitted a memorandum that outlined the costs and policy downsides to a Presidential directive to DoJ to provide

monthly random drug tests to all prisoners, probationers and parolees. It noted the feasibility problems of extending any such program to state prisoners, probationers and parolees. It recommended that such a proposal would not make policy sense because it would not target the individuals most at-risk of drug use. No further action has been taken since receipt of that memorandum.

Anti-Militias -- Beefing up the FBI: The proposed Executive Order would detail employees from elsewhere in the Department of Justice, or other Departments, into the Department of Justice and FBI anti-terrorism units, for the purpose of helping with domestic terrorism as well as international terrorism efforts. A memorandum on the feasibility and wisdom of such an Executive Order is expected from Deputy Attorney General Gorelick in the next few days.

Anti-Militias -- Regulating Militias: The proposed statute would require paramilitary groups to register their existence with federal authorities, notify federal and state authorities when they engage in combat maneuvers and military training, disclose a list of members, and provide an inventory of weapons. On May 25, the White House Counsel's office provided a memorandum on this issue and on May 28, the Department of Justice provided a memorandum on this issue. The two memoranda stated that it was most likely constitutional to pass a statute that could ban paramilitary activities outright, prohibit contributions to paramilitary organizations or require them to file reports disclosing their existence, their officers, their paramilitary activities and their weapons. The First Amendment would, however, bar any statute that required these groups to disclose their members or donors. The memorandum also explored whether a statute could ban contributions to such groups and concluded it could be constitutionally problematic. No further action has been taken since receipt of these memoranda.

Concealed Weapons Technology: This has not been proposed as an Executive Order and is an idea that has been implemented. On March 22, the Department of Justice awarded \$2.15 million to Millitech, Raytheon and Idaho National Engineering Laboratory to develop three different technologies to detect concealed weapons. Prototypes are due to be ready in September, 1996. A memorandum drafted in June, 1995 reported that the Defense Department has recently committed \$2.03 million to develop a fourth concealed weapons detector and that an announcement of this project could be made in September, 1995. No further action has been taken.

Deportation of Illegal Aliens through Drivers Licenses: On June 8, DoJ submitted a memorandum that outlined the pros and cons of using drivers licenses to enforce immigration laws. It suggested that the current focus on workplace enforcement, border patrol and deporting criminal aliens was the most efficient and effective use of INS resources. It outlined feasibility issues with using drivers licenses to identify and deport illegal aliens. It offered, however, suggestions of possible pilot programs that could be expanded if the President wanted to take executive action on this issue. No further action has been taken since receipt of that memorandum.

Deportation of Illegal Aliens through other departmental programs: In late June and early July, the Departments of HHS, HUD, Education and Labor submitted memoranda

explaining programs which currently do or could potentially collect information about immigration status from beneficiaries of their programs; they also identified legal and resource barriers to collecting the information and using it to help deport more illegal aliens. Each department has significant legal impediments to either collecting the information outright or turning it over to the INS after it is collected. In addition, because the INS does not have the resources to prosecute cases identified by other departments, all Departments commented that collecting the information would be a waste of resources and a source of potential embarrassment to the administration. The departmental memoranda have not been circulated and no further action has been taken since their receipt.

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September 12, 1995

MEMORANDUM FOR HAROLD ICKES

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