

NLWJC - KAGAN

EMAILS RECEIVED

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[10/16/1997 - 10/17/1997]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	SSN (Partial); DOB (Partial) (2 pages)	10/16/1997	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[10/16/1997-10/17/1997]

2009-1006-F

bm52

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 11:27:03.00

SUBJECT: How to respond to Gov. Whitman on FLSA

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

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

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

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

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

TEXT:

Gov. Whitman wrote the President a while back to complain that we are proposing to apply the FLSA to workfare participants. She says it ought to be possible to pay the minimum wage and offer safety protections without the administrative burden of the full FLSA. Given her high profile, I wanted you to check over the attached draft response. It's based largely on our talking points.

Thank you for your letter regarding the application of the Fair Labor Standards Act to workfare participants.

As you know, my Administration believes that worker protection laws, such as the Fair Labor Standards Act, should apply to workfare participants in the same way they apply to other workers. If a workfare participant counts as an "employee" under these laws, then she should get protection. No one doing real work should be paid a subminimum wage.

And we believe that paying working welfare recipients the minimum wage and giving them other worker protections will promote, not undermine, the goals of welfare reform, because it will give them the ability to support their families and break the cycle of dependency.

Be assured that we will work with states to ensure that they can comply with this policy, without undue financial burden, while still meeting the welfare law's work requirements. Of course, if states place welfare recipients in private jobs, then the minimum wage already applies. And we are working to minimize costs associated with the application of

employment laws
to workfare participants in other ways.

Although we disagree on this issue, I hope that our common concerns for
the benefit and
well-being of all our nation's people will unite us as we address the
challenges of moving
people from welfare to work.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lawrence J. Haas (CN=Lawrence J. Haas/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:16-OCT-1997 17:09:30.00

SUBJECT: OMB briefing on Energy and Water line-item veto

TO: Karen E. Skelton (CN=Karen E. Skelton/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Craig T. Smith (CN=Craig T. Smith/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

TO: Thurgood Marshall Jr (CN=Thurgood Marshall Jr/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: FOLEY_M@A1@CD@LNGTWY (FOLEY_M@A1@CD@LNGTWY [UNKNOWN]) (WHO)
READ:UNKNOWN

TO: Doris O. Matsui (CN=Doris O. Matsui/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

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

TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Michele Jolin (CN=Michele Jolin/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

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

TO: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Rahm I. Emanuel (CN=Rahm I. Emanuel/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Sylvia M. Mathews (CN=Sylvia M. Mathews/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

READ:UNKNOWN

TO: Stephen B. Silverman (CN=Stephen B. Silverman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

TO: John L. Hilley (CN=John L. Hilley/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Robert B. Johnson (CN=Robert B. Johnson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

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

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

TO: Janet L. Yellen (CN=Janet L. Yellen/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

TO: Joseph P. Lockhart (CN=Joseph P. Lockhart/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Michael D. McCurry (CN=Michael D. McCurry/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Paul E. Begala (CN=Paul E. Begala/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: Robert S. Bell (CN=Robert S. Bell/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

CC: David S. Beaubaire (CN=David S. Beaubaire/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: Kris M Balderston (CN=Kris M Balderston/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

CC: Kevin S. Moran (CN=Kevin S. Moran/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

READ:UNKNOWN

CC: Elizabeth R. Newman (CN=Elizabeth R. Newman/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: Russell W. Horwitz (CN=Russell W. Horwitz/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

CC: June G. Turner (CN=June G. Turner/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: Carole A. Parmelee (CN=Carole A. Parmelee/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

CC: Anne E. McGuire (CN=Anne E. McGuire/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: Stacey L. Rubin (CN=Stacey L. Rubin/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

CC: Debbie B Bengtson (CN=Debbie B Bengtson/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

CC: Lori L. Anderson (CN=Lori L. Anderson/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

CC: Sara M. Latham (CN=Sara M. Latham/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

CC: Jason S. Goldberg (CN=Jason S. Goldberg/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TEXT:

This is not public information, but -- the President plans to use his line-item veto authority on the Energy and Water appropriations bill on Friday, October 17, probably in the early afternoon.

Back by popular demand, OMB will hold a briefing for senior White House staff on the items in question on Friday, at 9:30 a.m. in the Roosevelt Room. T.J. Glauthier, OMB's "PAD" in this area, will probably lead the briefing -- although Frank Raines will be there if he can. This is your opportunity to learn what the President is doing, so you can give an appropriate heads-up to your constituency.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 14:38:25.00

SUBJECT: Meeting with National Coalition of (Gay and Lesbian) Anti-Violence Project

TO: Miguel M. Bustos (CN=Miguel M. Bustos/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TO: Donald H. Gips (CN=Donald H. Gips/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Tracey E. Thornton (CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Virginia Apuzzo (CN=Virginia Apuzzo/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Toby Donenfeld (CN=Toby Donenfeld/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TO: Philip G Dufour (CN=Philip G Dufour/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Marjorie Tarmey (CN=Marjorie Tarmey/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Maria, Bruce and I will be meeting with the leadership of the National Coalition of (Gay and Lesbian) Anti -Violence Projects on Monday, October 20, 1997 at 12 noon in room 472 OEOB to discuss the issue of hate crimes against gays and lesbians. The Coalition represents the leadership of all the gay and lesbian anti violence groups across the country. They are here for the twice yearly board meeting and will be meeting with Deputy Attorney General Eric Holder later in the day on Monday. They had originally requested to meet with the Vice President. As the Hate Crimes Conference approaches, this is obviously an important issue. You are invited to attend.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 13:38:46.00

SUBJECT: Domestic violence in Labor-HHS

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Mary Bourdette accepted our changes, Elena, so that the key part of the proposed report language now reads "we strongly urge the Secretary of Health and Human Services, in exercising her discretion to assess penalties against States that fail to meet the requirements of PRWORA, to take into account State efforts to protect and provide services and otherwise assist victims of domestic violence. We recommend that the Secretary utilize the regulatory process to advise States of these penalty considerations." ["protect" added by Ann Rosewater]

Barbara Chow, Jack Lew, and OMB leg affairs all signed off on the idea of responding to Harkin's request to suggest report language. Barry White's folks looked at the actual language.

So, Mary is calling Marsha Simon of Harkin's staff shortly.

Withdrawal/Redaction Marker

Clinton Library

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001. email	SSN (Partial); DOB (Partial) (2 pages)	10/16/1997	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[10/16/1997-10/17/1997]

2009-1006-F
bm52

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
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- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Marjorie Tarmey (CN=Marjorie Tarmey/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-OCT-1997 18:15:49.00

SUBJECT: Civil Rights Enforcement list

TO: Robert B. Johnson (CN=Robert B. Johnson/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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:
Here is the list of people that will attend the 2:00pm Civil Rights meeting in Room 211

----- Forwarded by Marjorie Tarmey/WHO/EOP on 10/16/97
06:04 PM -----

Brian E. Smith
10/16/97 06:10:34 PM
Record Type: Record

To: Marjorie Tarmey/WHO/EOP
cc:
Subject: Civil Rights Enforcement list

Civil Rights Enforcement Friday 2:00 pm Room 211

RESPONSE	NAME	ORGANIZATION	TELEPHONE #	SS #	DOB
YES	Arnwine, Barbara	Lawyer's Committee on Civil Rights			[P6/(b)(6)]
[P6/(b)(6)]	Coles, Matthew	Gay and Lesbian Civil Rights Project			[P6/(b)(6)]
YES	Davis, Martha F	NOW / Legal Defense and education Fund			[P6/(b)(6)]
YES	Jones, Elaine	NAACP			[P6/(b)(6)]
YES	Henderson, Wade	Leadership Conference on Civil Rights			[P6/(b)(6)]
YES	Murphy, Laura	ACLU			[P6/(b)(6)]
YES	Pollack, Michelle	AARP			[P6/(b)(6)]
YES	Siemering, Ann	AARP			[P6/(b)(6)]
YES	Stachelberg, Cynthia	Human Rights Campaign			[P6/(b)(6)]
YES	Norton, Helen Louise	NOW / Legal Defense and Education Fund			[P6/(b)(6)]

[001]

NO Kreiter, Nancy
NO Greenberger, Marsha

P6/(b)(6)
National Women's Law Center

P6/(b)(6)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-OCT-1997 18:47:05.00

SUBJECT: Draft Border Memo

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

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

READ:UNKNOWN

TEXT:

EK:

Here a draft of a short memo recommending that the President support our border coordination process, not the General's. It's just a cover piece -- no real options or substance. Let me know if you need anything else on this.

Also, I understand CR met with the AG, and she expressed her concern on various issues -- border, Drug Blueprint, etc. CR told her that you and he would send a memo to POTUS setting the record straight.

Finally, as if it couldn't get any more exciting on this front, I found out today that despite OMB's strong objects (and DPC's support of their position), ONDCP sent the Drug Blueprint document out to hundreds of folks in the field. Deich is not happy and believes it violates the Raines/McCaffrey agreement to keep the document in-house and in draft form until the budget process was completed. I'm not sure what will happen on this, but can't help but think that GMC is starting to step on lot of toes at once...

Jose'

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D33]MAIL43058688C.216 to ASCII,
The following is a HEX DUMP:

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5B6D0B0656384F7FEA63AD883BAF972C7089C95774488E3DE08D9CBA35A898902CA3543F4DBB95
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--- D R A F T ---

MEMORANDUM FOR THE PRESIDENT

FROM BRUCE REED
CHUCK RUFF

RE: ONDCP's Recommendations for the Southwest Border Region

Attached please find a memorandum from General McCaffrey outlining recommendations on how to improve the Administration's drug interdiction efforts along the Southwest border. Although we share the General's concerns, we do not support his recommendations at this time -- and do not believe this issue should be tasked to the Drug Policy Council for resolution. We have several reasons for this.

First, the Treasury and Justice Departments have strong reservations about ONDCP's recommendations. In fact, less than a month ago, we met with Secretary Rubin, Attorney General Reno and General McCaffrey to discuss coordination of border-related issues. At that time, General McCaffrey was preparing to send a report to Congress on the Southwest border that made the same recommendations as the attached memorandum. Secretary Rubin and the Attorney General expressed their opposition to this report being sent to Congress without their input, and General McCaffrey agreed to hold the report. Rubin and Reno -- who oversee the various enforcement agencies that carry out the drug, crime, trade and immigration laws along the border -- do not necessarily agree with the General's characterization of the border situation or with his proposed recommendations. Perhaps their largest concern is that the assigning of a single, federal official at each point of entry to coordinate drug interdiction will negatively impact or conflict with our immigration and trade policies.

Second, several other border-related issues are currently being discussed in the White House and among the agencies -- and will need to be resolved over the next few months. For instance, the Commission on Immigration Reform recently released its final report recommending that the Immigration and Naturalization Service (INS) be disbanded and its responsibilities -- including border enforcement -- parceled out to various agencies. Also, Members of Congress have introduced INS reform plans and included appropriations language requiring the Administration to do the same by early next year.

Lastly, at our recent meeting with Secretary Rubin, the Attorney General and General McCaffrey, we proposed that all of border consolidation issues

should be coordinated by a White House-led working group because of all the cross-cutting issues involved -- drugs, crime, immigration and trade. We have already met internally and concluded that such a group would be led by DPC; include Counsel's Office, OMB, NSC and NPR; and specifically reach out to all of the impacted agencies. We are prepared to initiate these meetings immediately and -- at OMB's request -- expect to have some initial recommendations before the year's end and before the budget process is concluded.

Thus, we would recommend that you support our broader effort to coordinate border issues.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Stephen C. Warnath (WARNATH_S) (CPC)

CREATION DATE/TIME:16-OCT-1997 16:56:51.83

SUBJECT: FYI

TO: Elena Kagan (KAGAN_E) Autoforward to: Remote Adresse
READ:NOT READ

TO: Jose Cerda III (CERDA_J) Autoforward to: Remote Adresse
READ:NOT READ

TO: Leanne A. Shimabukuro (SHIMABUKUR_L) Autoforward to: Remote Add
READ:NOT READ

CC: Bruce N. Reed (REED_B) Autoforward to: Remote Addressee
READ:NOT READ

CC: Paul J. Weinstein, Jr (WEINSTEIN_P) Autoforward to: Remote Addr
READ:NOT READ

TEXT:

A heads-up:

The INS will announce on Monday the release of guidelines that for the first time requires sponsors of certain immigrants to meet minimum income requirements and for them to be financially responsible for immigrants that they sponsor. An immigrant's sponsor will be required to demonstrate an income level of at least 125% of the poverty level. The mechanism for establishing this will be a new legally-binding affidavit of support that will be effective December 19, 1997. This new requirement is mandated by the 1996 Immigration bill.

As background you should know that the Administration supported making the sponsorship requirement legally binding. Also, we worked during the negotiations of the legislation to reduce the income level required for sponsorship to 125% from much higher levels that would have created significant barriers to legal immigration for family reunification. (Even now, I believe that INS has internal statistics showing the 125% threshold will have a sizable and disproportionate impact on the ability of U.S. citizen families from Mexico to sponsor their relatives for legal immigration.)

The usual preparations for roll-out are proceeding with briefings scheduled, press conference and statement, etc.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christa Robinson (CN=Christa Robinson/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-OCT-1997 18:54:59.00

SUBJECT: Eli's events

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

READ:UNKNOWN

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

TEXT:

Eli's Kansas event is almost definite for the week of the 17th. Scheduling is just trying to confirm an exact date -- and Eli is fine with that week.

He still wants his board to meet the President on the 19th in DC, but he realizes the Kansas event makes it more unlikely. At Erskine's suggestion, they tried to arrange for the board to meet the President at the Kansas event, but they can't get all the CEOs to change their schedule. So, it looks like Erskine wants to work it out for the 19th and we'll have to wait and see if it's possible.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 12:41:31.00

SUBJECT: Immigrant benefit definition that I need DPC views on

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

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

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

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:

Elena, I need your call on this issue in the next day or two, if at all possible.

HHS would like to release ASAP its interpretation of what the welfare law means when it says that "non-qualified aliens" are not eligible for "federal public benefits." It has taken them forever to get to this point, but now they are ready. The pressure to get this out is that DOJ wants to issue its "interim verification guidelines" on how to interpret all the welfare law's benefit restrictions for immigrants. HHS is not the only agency affected by this, but it is the primary one, so other agencies are looking to HHS to take the lead. There has been no movement to have DOJ do a common definition.

I think what HHS wants to do makes sense, but it does keep certain benefits open for illegal immigrants, so I need to flag that for you. OMB has signed off on it.

Welfare Law

The question arises because the welfare reform bill states that "an alien who is not a qualified alien [for example, an illegal immigrant] is not eligible for any Federal public benefit" The law defines "public benefit" to mean (among other things):

"any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household or family eligibility units by an agency of the United States or by appropriated funds of the United States."

The law specifies exceptions to this ineligibility for emergency Medicaid services, immunizations, treatment of communicable diseases and some other items.

HHS' Interpretation Minimizes Administrative and Health Burden of the Term
HHS' representatives said that they set about interpreting this language to minimize the administrative burden on the programs and the public

health impact of the law.

They said that the term "public benefit" as used in the law is ambiguous and requires interpretation. They get some help interpreting the term from Section 432, which requires the Attorney General to "promulgate regulations requiring verification that a person applying for a Federal public benefit... is a qualified alien and is eligible to receive such benefit." This implies that a "benefit" is something that requires an "application." And an application requires provision of information for the purpose of determining eligibility.

Therefore, to minimize administrative burden, HHS thinks that no program that currently does not verify eligibility should begin doing so. So programs that have no eligibility requirements, or which do not verify eligibility as a matter of course, are not "public benefits" for the purposes of welfare reform.

HHS Programs That Aren't Public Benefits By This Definition

Under this definition, Community Health Centers, the maternal/child health block grant, substance abuse grants, Administration on Aging, HUD homeless shelter assistance and some other aging programs would not be "public benefits" and would be available to non-qualified aliens.

HHS Programs That Are Public Benefits By This Definition

Other programs would clearly be "public benefits" under this definition, and denied to non-qualified aliens: TANF, Medicaid and Medicare, Indian Health Service programs, LIHEAP and Ryan White, among others.

It does not appear that Labor or DoEd programs would be affected by this definition. Housing is partially grandfathered by the law.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 13:52:22.00

SUBJECT: President's Committee on Mental Retardation on Children's SSI

TO: Jacob J. Lew (CN=Jacob J. Lew/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Cynthia A. Rice (CN=Cynthia A. Rice/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: Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

CC: Barry White (CN=Barry White/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Keith J. Fontenot (CN=Keith J. Fontenot/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

CC: William H. White Jr. (CN=William H. White Jr./OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Bill White of Public Liaison and I just learned that the President's Committee on Mental Retardation wants to issue a report in the next few days saying that SSA is mishandling its redeterminations of children's eligibility for SSI under the new standard. The draft report pretty much repeats all the criticisms that the advocates have been making -- SSA's review process is not reliable, questionable, suspect; employees are unprepared and overworked; we should have a moratorium on case reviews; and SSA's interpretation of the statute itself should be reviewed.

The President's Committee is housed at HHS, but its committee members are presidential appointees who are experts in mental retardation. Several have ties to the Kennedy family; the Committee itself was begun by President Kennedy. They have apparently already voted to issue a report.

Since Ken Apfel is in the middle of the 30-day review of these issues that he promised at his confirmation hearing, Bill and I have suggested to the Committee's executive director that perhaps a meeting with Ken would be an alternative to issuing a public report. He's going to get back to us. A second alternative that we have not yet suggested is that the report could simply recommend the items Ken should be looking at in his review, without repeating the litany of criticisms of SSA.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William R. Kincaid (CN=William R. Kincaid/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-OCT-1997 17:31:20.00

SUBJECT: latest radio draft

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

CC: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:
fyi

----- Forwarded by William R. Kincaid/OPD/EOP on 10/16/97
05:30 PM -----

June Shih
10/16/97 05:26:10 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: latest radio draft

please get back to me as soon as possible. need to get to South America tonight

Message Sent

To: _____
Ann F. Lewis/WHO/EOP
Michael Cohen/OPD/EOP
William R. Kincaid/OPD/EOP
Paul E. Begala/WHO/EOP
Sylvia M. Mathews/WHO/EOP
Michelle Crisci/WHO/EOP

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D36]MAIL47024688W.216 to ASCII,
The following is a HEX DUMP:

Draft 10/16/97 noon

**PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS ON SCHOOL REFORM BILLS
OCTOBER 17, 1997**

Good Morning. This week, Hillary and I have been visiting our neighbors in South America. We've savored the hospitality and uniqueness of every country we've visited. But as we've traveled from Caracas to Brasilia to Buenos Aires and places in between, we've also had the chance to see that much more unites the people of the Americas than separates us. All of us cherish the same ideals: Freedom and equality, family and community, peace and democracy.

And we all believe that providing all children with a world-class education is the best way to ensure they fulfill their God-given promise in the 21st century. I was struck by how the people of each country had taken this principle to heart. Earlier this week, I saw how government, business and community leaders had worked together to build a school that had become an oasis of hope for children in one of Rio De Janeiro's poorest neighborhoods.

It was a powerful reminder of the transforming effects of education, of how we in the United States must continue to make sure that politics stops at the school house door. Because we worked across party lines this summer, we've already opened the doors of learning wider than ever before for Americans of all ages, passing the single largest increase in education spending since the G.I. Bill fifty years ago.

But we cannot rest. When I return to Washington, I will call on Congress to continue working with me to strengthen our public schools. I pledge to do everything I can to make sure two bipartisan school efforts become law. The first will bring more innovative charter schools to more communities across our country, boosting charter school funding to \$100 million so that we can open some 3,000 new schools by the end of the century. Charter schools empower parents, educators and community leaders with the freedom to create the schools that best meet the needs of their children while also meeting the highest levels of public accountability.

But sometimes, charter schools aren't always the best answer to a community's education needs. Often, a school just needs a little extra help to implement the specific reforms they need to revitalize their classrooms, encourage teachers and inspire students. That's why I'm also supporting a bipartisan bill that will help low-achieving, low-income schools transform themselves through proven reforms -- everything from intensive reading programs to teacher training to after-school tutoring. I believe virtually every problem facing our schools has been solved by at least one community in America. This bill will help all of us share these solutions with the schools that need them most.

This fall, we have an important opportunity to strengthen and reaffirm our commitment to our public schools and our children. Let us all work together to make sure every child masters the basics and meets the highest standards of academic achievement, that every principal and every teacher is empowered to introduce innovation into the classroom, that every parent can take an active role in his or her child's education, and that every school across America is accountable for its performance. Our children are counting on us. Thanks for listening.

M E M O R A N D U M

TO: ELENA KAGAN

FROM: TOM FREEDMAN, MARY L. SMITH

RE: SUMMARY OF HATE CRIME CONFERENCE

DATE: OCTOBER 16, 1997

SUMMARY

This memo gives you an overview of the White House Conference on Hate Crimes which will be held on November 10. The Conference is mostly in fine shape, but there are some issues that need vetting. The legislative options are listed in Section III.D of this memo. The Department of Justice is coming over for a meeting on Monday, October 20, at 11 a.m. to discuss which legislative option, if any, to pursue. DOJ would like a firm answer from the White House as to whether the Administration should pursue a particular legislative option or merely broad policy principles. When DOJ present the options to the Attorney General, they would like to brief her on the White House's position.

As for the format of the Conference, it is expected that the Attorney General will make opening remarks in the morning, following which remarks the participants would take part in break-out groups of approximately 30 each. Some of the suggested topics for the break-out groups are listed below. The topics center around areas such as education, data collection, law enforcement, and community responses to hate crimes. In the afternoon, the President would make an announcement regarding hate crimes based on legislative and non-legislative proposals.

Following or before the President's remarks, one participant from each of the break-out groups would report back on what was discussed.

Below is a summary of some of the areas of the conference, including (1) suggested location; (2) topics of breakout groups; and (3) the President's announcements.

I. SUGGESTED LOCATION

The suggested location is George Washington University.

II. SUGGESTED TOPICS FOR BREAKOUT GROUPS

There will probably be seven breakout groups with approximately 30 participants each.

1. Role of the Schools (K-12) in preventing and responding to hate crimes

2. Role of Colleges and Universities in preventing and responding to hate crimes
3. Role of Law Enforcement in responding to hate and bias crimes
4. Coordinated Response of Law Enforcement, Victims, and Communities in improving collection of statistics regarding hate crimes
5. Hate Crimes in Public and Private Housing: Causes and Prevention Strategies
6. Responding to the needs of victims of hate and bias crimes
7. Research and Evaluation: What Works in Preventing Hate and Bias Crimes
8. Community Responses to hate and bias crimes

III. PRESIDENTIAL ANNOUNCEMENTS

There are basically four main areas in which the Department of Justice is tackling hate crimes: (1) outreach to the community; (2) statistical collection; (3) educational initiatives; and (4) possible legislation.

A. OUTREACH: HATE CRIMES WORKING GROUPS

- DOJ is proposing federal-state-local partnerships that would coordinate the prosecution of hate crimes. Members of the working groups would be the U.S. Attorney's offices, the FBI, state and local law enforcement, state and local prosecutors, schools, and advocacy groups. In addition to prosecuting hate crimes, the groups would seek to increase enforcement of hate crime laws, to maximize reporting of hate crimes, and to educate the public about hate crimes.
- FBI has proposed seeking additional funding in the FY99 budget to add approximately 193 new FBI agents to investigate hate crimes.

B. STATISTICS REGARDING HATE CRIMES

- DOJ is also exploring several possibilities to improve the collection of statistics regarding hate crimes.

C. EDUCATIONAL INITIATIVES

- Northeastern University's Center for Criminal Justice Policy Research reports that approximately 65% of violent hate crimes are committed by boys and young men under the age of 20.
- The Department of Education's Office of Civil Rights is working with the National Association of Attorneys General to develop a manual that will catalog all of the various resources that are available to assist school administrators and teachers in addressing bias crimes and racial and ethnic

tensions in school settings.

- Middle-school curriculum entitled “Healing the Hate” (already developed by Educational Development Corporation and funded jointly by DOJ and Department of Education) should be disseminated to schools.
- Middle-school curriculum on hate crimes should be placed on the Department of Education’s website.
- Given the statistics that suggest that a large portion of hate crimes are committed by school-age males, DOJ could work with Education’s National Center for Educational Statistics to explore mechanisms for collecting information on hate-based violence in schools.
- Elevate awareness of hate-based violence in the educational community through a PSA campaign, conferences, workshops, articles, and the Internet.

D. PROPOSED LEGISLATION

DOJ has proposed five legislative options for amending 18 U.S.C. § 245, the principal federal hate crimes statute, to expand federal hate crimes jurisdiction to include bias crimes committed because of the victims’s sexual orientation, disability, and gender.

Option 1

- Option 1 is the most far-reaching of the five options. It would add sexual orientation, gender, and disability as protected categories. It would require proof of a Commerce Clause nexus in the least restrictive manner.
- Concerns about Option 1 are that it would federalize most rapes and would greatly increase the federal resources needed to prosecute these hate crimes. The FBI estimates that the proposed bill could require \$38.5 million per year to hire 219 additional agents. However, others at DOJ believe that the additional cost to the FBI would be substantially less than the estimate.
- Supported by the Civil Rights Division, Office of Policy Development, the Office of Intergovernmental Affairs, the Office of Legislative Affairs, the Violence Against Women Office, and the Office of Victims of Crime.

Option 2

- Option 2 also would add sexual orientation, gender, and disability as protected activities.

Unlike Option 1, however, Option 2 would require proof of a highly restrictive Commerce Clause nexus for hate crimes based on religion, gender, sexual orientation, or disability. Specifically, Option 2 would require that the defendant “travel[ed] across a State line in connection with the offense.” This interstate travel requirement is similar to interstate travel requirements contained in the criminal provisions of the Violence Against Women Act and in a former version of 18 U.S.C. §247, the religious hate crimes statute.

- Option 2 could greatly limit the number of gender-based incidents that would satisfy its strict Commerce Clause element. It is possible then that Option 2 could add gender as a protected category without overwhelming the resources of the FBI and DOJ. However, the interstate travel requirement contained in Option 2 likely would have the effect of excluding the great majority of bias incidents committed because of the victim’s sexual orientation, gender, or disability.

Option 3

- Option 3 presents a middle ground between Options 1 and 2. Option 3 would require proof of the strict “interstate travel” Commerce Clause nexus for gender-based hate crimes, but would require proof of only the broader Commerce Clause nexus of Option 1 for crimes based on religion, sexual orientation, or disability. The advantage of Option 3 is that it would give DOJ broad jurisdiction over hate crimes based on sexual orientation and disability and more limited jurisdiction over hate crimes based on gender, thereby avoiding much of the limited resources problem with Option 1.
- One concern of Option 3 is that it would distinguish between treatment of hate crimes based on gender and treatment of hate crimes based on sexual orientation or disability without any clear constitutional or policy basis for doing so. Option 3 also probably would encounter political opposition from women’s groups that want gender added on the same terms as other categories.

Option 4A

- Option 4A would add gender, sexual orientation, and disability as protected categories and would apply the broad Commerce Clause element from Option 1 to all three categories. However, unlike Option 1, Option 4 would attempt to address the resource issue by including statutory language requiring proof of gender-based animus, making it clear that not every rape or sexual assault was a gender-based hate crime covered by the statute.
- Option 4 is controversial in that some groups argue that all rapes have an inherent element of gender bias. Furthermore, the exclusion of rapes and other sexual assaults that lack additional indicia of gender-based bias may be inconsistent with the federal

interest in prosecuting certain gender-based crimes. For instance, a serial rapist, even one who rapes in many states, might evade federal prosecution as long as he didn't say or do anything that evinced a gender-bias over and above the bias inherent in rapes themselves.

- Option 4 might not significantly reduce the FBI's investigative burden as compared to Option 1. The FBI might have to investigate to determine whether evidence of animus was present.

Option 4B

- Option 4B is the same as Option 4 except that it apply the proof of animus restriction to religion, sexual orientation, and disability, as well as gender.
- Supported by the Attorney General's Advisory Committee (comprised of U.S. Attorneys), the Executive Office of the United States Attorneys, and the Federal Bureau of Investigation..

Option 5

- Option 5 would add sexual orientation and disability as protected categories, but it would omit gender-based hate crimes altogether.
- Option 5 would almost surely face even stiffer political opposition than Option 3 or 4. The coalition of outside groups is adamant that gender be included. In addition, Senator Kennedy's staff has indicated that he will not introduce a bill that does not include gender.
- Supported by the Criminal Division.

Option 6

- Merely support broad policy principles that gender, disability, and sexual orientation should be included in an appropriate and constitutional fashion.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 15:11:27.00

SUBJECT: President's Committee on Mental Retardation on Children's SSI

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:

Let me know if you think we should forward this to Sylvia, given her attendance at that meeting with Eunice Kennedy Shriver. (Perhaps you'd prefer to wait till we have some resolution.)

----- Forwarded by Diana Fortuna/OPD/EOP on 10/16/97
03:12 PM -----

Diana Fortuna

10/16/97 01:52:12 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP,
Jacob J. Lew/OMB/EOP

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

Subject: President's Committee on Mental Retardation on Children's SSI

Bill White of Public Liaison and I just learned that the President's Committee on Mental Retardation wants to issue a report in the next few days saying that SSA is mishandling its redeterminations of children's eligibility for SSI under the new standard. The draft report pretty much repeats all the criticisms that the advocates have been making -- SSA's review process is not reliable, questionable, suspect; employees are unprepared and overworked; we should have a moratorium on case reviews; and SSA's interpretation of the statute itself should be reviewed.

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Message Copied

To:

William H. White Jr./WHO/EOP

Barry White/OMB/EOP

Keith J. Fontenot/OMB/EOP
Richard E. Green/OMB/EOP
Laura Emmett/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 17:56:07.00

SUBJECT: Re: Florida Message Opportunity

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI -- we're giving another important leak to USA Today for Monday -- so this might get crosswise of your consumer bill of rights deal.

----- Forwarded by Bruce N. Reed/OPD/EOP on 10/16/97

05:52 PM -----

William R. Kincaid

10/16/97 02:47:28 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP

bcc:

Subject: Re: Florida Message Opportunity

If we want to save the report, we need to decide that quickly, because ED has USA Today scheduled to come in first thing tomorrow morning to leak it, and Tamara Henry knows generally what the report is about at this point. They think we could pull this back but we would owe her one at that point.

If we do save it, it might make sense to fill the "Education Week" hole by having Riley come over Monday and do the riff on GOP's against reading and tests that we had been planning for the VP -- do it at the top of the McCurry briefing when he would have discussed the report. One possible problem with that is Riley currently has a request in for a meeting with Goodling, so it might be a little odd to jump on him just at the time when he was asking for a meeting (this is also a problem with the letter idea we discussed earlier) -- Riley's legislative shop is skittish about this.

A couple other possibilities for the message event (I'm checking with ED for other reports/grant announcements coming up):

-- save the teaching grant that we plan to release on Friday (a little odd since lead institution is U MD, plus this is a good fit with National Board event)

-- save Obey endorsement/play up New American schools (but not clear this is a good fit with school to be visited because targeted on low-income/failing schools).

-- perhaps release math action strategy -- play up as response to TIMSS scores and findings of coursetaking study

It's too bad about school construction, because evidently Florida Republicans have passed legislation that redefines portable buildings as permanent, not temporary -- that's their "solution" to the school construction problem.

Bruce N. Reed
10/16/97 01:08:50 PM
Record Type: Record

To: Elena Kagan/OPD/EOP, William R. Kincaid/OPD/EOP, Michael Cohen/OPD/EOP
cc:
Subject: Florida Message Opportunity

Should we save our math report for this???

----- Forwarded by Bruce N. Reed/OPD/EOP on 10/16/97
01:08 PM -----

Elena Kagan
10/16/97 01:06:43 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc:
Subject: Florida Message Opportunity

----- Forwarded by Elena Kagan/OPD/EOP on 10/16/97 01:06
PM -----

Jennifer M. Palmieri
10/15/97 08:29:48 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Laura A. Graham/WHO/EOP
Subject: Florida Message Opportunity

As most of you know, the President is returning to Jupiter, Florida on October 31 to visit the Elementary School he was supposed to go to when he broke his knee. We need to determine what message event we will do at the school. Originally we were going to do school construction. After our meeting yesterday with Erskine, it seems unlikely that we are going to be ready to endorse any kind of school construction proposal by 10/31 -- so I guess we need another message. Everyone should be aware, however, that the school is overcrowded with many students attending classes in trailers, so school construction is likely to be raised as an issue whether we like it or not.

NEC -- is it clear that school construction is not an option?

DPC/NEC -- if so, do you have other suggestions?

Thanks.

Message Sent

To:

Elena Kagan/OPD/EOP

Michael Cohen/OPD/EOP

Robert M. Shireman/OPD/EOP

Christa Robinson/OPD/EOP

Jonathan A. Kaplan/OPD/EOP

Nicholas R. Baldick/WHO/EOP

Paul E. Begala/WHO/EOP

Kris M Balderston/WHO/EOP

Stacie Spector/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 14:13:37.00

SUBJECT: It is \$12 billion.

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

Diana 65570

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 16:20:04.00

SUBJECT: Vaccinations

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

READ:UNKNOWN

CC: Marjorie Tarmey (CN=Marjorie Tarmey/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

CC: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

Suzanne Dale (CN=Suzanne Dale/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TEXT:

When do you expect to have the Vaccination announcement material ready that Sylvia asked us to push out the door to our elected officials ASAP? We need to get it to OPL to do the same to their constituencies also.

Draft 10/16/97 noon

**PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS ON SCHOOL REFORM BILLS
OCTOBER 17, 1997**

Good Morning. This week, Hillary and I have been visiting our neighbors in South America. We've savored the hospitality and uniqueness of every country we've visited. But as we've traveled from Caracas to Brasilia to Buenos Aires and places in between, we've also had the chance to see that much more unites the people of the Americas than separates us. All of us cherish the same ideals: Freedom and equality, family and community, peace and democracy.

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But we cannot rest. When I return to Washington, I will call on Congress to continue working with me to **on two bipartisan measures** to strengthen our public schools.

The first measure will help start more innovative charter schools in neighborhoods across our country, providing more choices for students and their families within public education. Since I became President the number of charter schools has grown from 1 to 700. This legislation would take us the next step, helping to reach my goal of opening some 3,000 charter schools by early in the next century. Charter schools empower parents, educators and community leaders to create schools that best meet the needs of their children while also meeting the highest levels of public accountability.

We must also rededicate ourselves to improving existing schools, and urgently work to fix those schools that are failing to educate our children. These schools need to revitalize their classrooms, encourage teachers and inspire students. That's why I'm also supporting a bipartisan provision that will help low-achieving, low-income schools transform themselves through proven reforms -- everything from intensive reading instruction to rigorous teacher training to after-school enrichment. I believe virtually every problem facing our schools has been solved by at least one community in America. This bill will help all of us share these solutions with the schools that need them most.

This fall, we have an important opportunity to strengthen and reaffirm our commitment to our public schools and our children. Let us all work together to make sure every child masters the basics and meets the highest standards of academic achievement, that every principal and every teacher is empowered to introduce innovation into the classroom, that every parent can take an active role in his or her child's education, and that every **public** school across America is

accountable for its performance. Our children are counting on us. Thanks for listening.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-OCT-1997 18:43:42.00

SUBJECT: Re: food safety legislation & a question.

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

READ:UNKNOWN

TEXT:

On Sylvia: That's sounds exactly right. If its okay with you, I'll pass along to Richard Socardes that you'll talk with Sylvia.

On other matters: the food safety legislation meeting was a bit contentious between USTR/USDA vs. FDA. I talked to O'hara after the tobacco meeting about trying for a fixed bill by early next week which seems doable. If it looks broken down, DPC may need to call a meeting.

Also, we met with EEOC and DOJ civil rts today. They didn't have much in the way of reforms, frankly, but I think we will have a package that could consist of things like fixing the EEOC backlog (they deny having one), appointing the new EEOC chair; creating a coordinating civil rights structure, encouraging mediation instead of litigation, and maybe one or two other things that improve efficiency...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 13:08:55.00

SUBJECT: Florida Message Opportunity

TO: William R. Kincaid (CN=William R. Kincaid/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

TEXT:
Should we save our math report for this???

----- Forwarded by Bruce N. Reed/OPD/EOP on 10/16/97
01:08 PM -----

Elena Kagan
10/16/97 01:06:43 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc:
Subject: Florida Message Opportunity

----- Forwarded by Elena Kagan/OPD/EOP on 10/16/97 01:06
PM -----

Jennifer M. Palmieri
10/15/97 08:29:48 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Laura A. Graham/WHO/EOP
Subject: Florida Message Opportunity

As most of you know, the President is returning to Jupiter, Florida on October 31 to visit the Elementary School he was supposed to go to when he broke his knee. We need to determine what message event we will do at the school. Originally we were going to do school construction. After our meeting yesterday with Erskine, it seems unlikely that we are going to be ready to endorse any kind of school construction proposal by 10/31 -- so I guess we need another message. Everyone should be aware, however, that the school is overcrowded with many students attending classes in trailers, so school construction is likely to be raised as an issue whether we like it or not.

NEC -- is it clear that school construction is not an option?

DPC/NEC -- if so, do you have other suggestions?

Thanks.

Message Sent

To:

Elena Kagan/OPD/EOP

Michael Cohen/OPD/EOP

Robert M. Shireman/OPD/EOP

Christa Robinson/OPD/EOP

Jonathan A. Kaplan/OPD/EOP

Nicholas R. Baldick/WHO/EOP

Paul E. Begala/WHO/EOP

Kris M Balderston/WHO/EOP

Stacie Spector/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 15:48:00.00

SUBJECT: Re: President's Committee on Mental Retardation on Children's SSI

TO: Jacob J. Lew (CN=Jacob J. Lew/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

TO: Cynthia A. Rice (CN=Cynthia A. Rice/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: Richard E. Green (CN=Richard E. Green/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Barry White (CN=Barry White/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

CC: Keith J. Fontenot (CN=Keith J. Fontenot/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: William H. White Jr. (CN=William H. White Jr./OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

FYI, it looks like the President's Committee on Mental Retardation has decided that a meeting with Ken would be more productive than issuing a report.

Diana Fortuna
10/16/97 01:52:12 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP,
Jacob J. Lew/OMB/EOP
cc: See the distribution list at the bottom of this message
Subject: President's Committee on Mental Retardation on Children's SSI

Bill White of Public Liaison and I just learned that the President's Committee on Mental Retardation wants to issue a report in the next few days saying that SSA is mishandling its redeterminations of children's eligibility for SSI under the new standard. The draft report pretty much repeats all the criticisms that the advocates have been making -- SSA's

review process is not reliable, questionable, suspect; employees are unprepared and overworked; we should have a moratorium on case reviews; and SSA's interpretation of the statute itself should be reviewed.

The President's Committee is housed at HHS, but its committee members are presidential appointees who are experts in mental retardation. Several have ties to the Kennedy family; the Committee itself was begun by President Kennedy. They have apparently already voted to issue a report.

Since Ken Apfel is in the middle of the 30-day review of these issues that he promised at his confirmation hearing, Bill and I have suggested to the Committee's executive director that perhaps a meeting with Ken would be an alternative to issuing a public report. He's going to get back to us. A second alternative that we have not yet suggested is that the report could simply recommend the items Ken should be looking at in his review, without repeating the litany of criticisms of SSA.

Message Copied

To:

William H. White Jr./WHO/EOP

Barry White/OMB/EOP

Keith J. Fontenot/OMB/EOP

Richard E. Green/OMB/EOP

Laura Emmett/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-OCT-1997 11:37:11.00

SUBJECT: LRM REJ286 -- Judicial Reform Act of 1997

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

READ:UNKNOWN

TEXT:

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on
10/16/97 11:37 AM -----

Ingrid M. Schroeder
10/16/97 10:00:57 AM

Record Type: Record

To: William P. Marshall/WHO/EOP, Peter G. Jacoby/WHO/EOP, Karen A. Popp/WHO/EOP, Paul J. Weinstein Jr./OPD/EOP
cc: Douglas D. McCormick/OMB/EOP
Subject: LRM REJ286 -- Judicial Reform Act of 1997

Attached are OMB comments on the Justice letter regarding HR 1252 - the Judicial Reform Act.

The Justice letter currently states that - "we believe that this provision is commendable" and that "we support enactment of this provision."

I wanted to double check with you to make sure that there are no objections to editing the letter to take out the explicit support for this provision.

Please let me know if you need another copy of the letter or if you need more information. If I do not hear from you by COB today - Thursday, October 16th - I will assume that you have no objections to the attached edits.

Thanks

Douglas D. McCormick
10/15/97 09:37:09 AM
Record Type: Record

To: Ronald E. Jones/OMB/EOP@EOP
cc: Bruce D. Long/OMB/EOP@EOP, Raymond P. Kogut/OMB/EOP@EOP
Subject: LRM REJ286 -- Judicial Reform Act of 1997

Ron - -

I recommend that Justice not take a position on Section 9 which deals with adjustments of Judges' salaries. A few points about this provision:

(1) It would not necessarily, as Justice claims, give federal judges their first pay raise since 1993. As a matter of fact, Judges appear almost certain to get an increase this January under the current law. In addition, what has prevented judges from getting a pay increase since 1993 is not a defect in current law but language each year in Treasury/Postal Appropriations denying them, as well as members of Congress and the Executive Schedule, a pay increase. Congress could do that just as easily under this proposed provision as under current law - - there is nothing in this provision that guarantees judges an annual pay raise.

(2) Further, as a practical matter, there is little difference between this provision and current law. Currently, judges pay raises, as well as those for members of Congress and the Executive Schedule, are tied to the Employment Cost Index, capped by the across-the-board increase received by the General Schedule. The proposed language would tie the raise directly to the General Schedule - - thus producing in most years the same pay increase. For example, had the proposed Section 9 been in effect since 1993 (and assuming Congress had not put language in Treasury/Postal denying the increase), the raise would have been identical each year to that produced under current law.

(3) The other significant part of the proposed Section 9 would remove the current requirement for specific congressional authorization for judges salary increases. This is a matter that it seems to me that Justice should not be intruding upon. While we may think that specific congressional authorization of judicial pay raises is a bad idea, this strikes me as a congressional prerogative that we should stay out of.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Christa Robinson (CN=Christa Robinson/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:16-OCT-1997 10:37:41.00

SUBJECT: Cabinet memo 10-16-97

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

TO: William R. Kincaid (CN=William R. Kincaid/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

TO: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: WEINSTEIN_P (WEINSTEIN_P @ A1 @ CD @ LNGTWY [UNKNOWN]) (OPD)
READ:UNKNOWN

TEXT:

AGRICULTURE

Today - the Secretary makes remarks for National Farmers Market Week

AIDS POLICY

Today - nothing public

ONDCP

Today - the Director is with the President in Argentina

Tomorrow- the Director goes to Bolivia

HHS

Today - the Secretary is in Austin attending domestic violence event;

Tomorrow - announcement that Medicare Part B Premium will remain unchanged for 1998

HUD

Today- nothing public

LABOR

Today - the Secretary is in Newark announcing results of New York sweat shop compliance rules; interviews with Catholic News Service

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 18:11:45.00

SUBJECT: I will be at DOL all Friday morning in Welfare to Work policy meeting

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

TO: Diana Fortuna (CN=Diana Fortuna/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: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:

Page me if you need me.

1) Tomorrow morning's meeting is one of the interagency policy group to discuss a 10 page summary of the proposed draft regulations. I have reviewed the document; it is fine and reiterates the program's strong local role. I have given a copy to Emily.

2) If the policy group approves this 10 pager, then DOL will use it to consult with outside groups.

3) By next Thursday, after consultation with outside groups, DOL will officially submit its draft reg to OMB and us for review. They have given the policy committee their draft to date.

I gave Rob Weiner of counsel's office materials to review today in case we will need him during the regulatory process to help us argue for PIC-focussed regs. So far things look good.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 19:41:16.00

SUBJECT: Re:

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

final stuff on education weekly--Diana's version is fine with me.

----- Forwarded by Michael Cohen/OPD/EOP on 10/17/97

07:43 PM -----

Diana Fortuna

10/17/97 07:39:12 PM

Record Type: Record

To: William R. Kincaid/OPD/EOP

cc: Michael Cohen/OPD/EOP

bcc:

Subject: Re:

Here's a suggested rewrite below. Feel free to edit or chop away.

William R. Kincaid

10/17/97 07:09:09 PM

Record Type: Record

To: Diana Fortuna/OPD/EOP

cc: Michael Cohen/OPD/EOP

Subject:

Diana--

Here's the draft blurb. We were leaning towards taking the last sentence out, and were struggling with how to clarify the rest. THANKS!

IDEA Regulations to Be Published Next Week. Next week the Department of Education will publish proposed regulations implementing the Administration's Individuals with Disabilities Education Act (IDEA) reauthorization bill. The regulation attempts to strike a balance between the goals of parents and disability advocates on the one hand and those of school districts, states, and teachers' unions on the other, although it will probably please the former group more than the latter.

For example, on the controversial issue of disciplining disabled students,

the new law permits hearing officers to remove a child from a classroom for up to 45 days. However, the regulation states that the hearing officer may not act unilaterally and must still conduct a hearing with both sides present. In another example, the law does not allow a student to be moved from a classroom during a dispute between a parent and a school on that placement, but the regulation provides that the child may be moved if the hearing officer agrees with the parent, even if the school appeals.

The regulation also reflects the Department's interpretation of new statutory requirements for services to youth with disabilities incarcerated in adult correctional facilities, currently the subject of a dispute with Governor Wilson of California and an appropriations rider sponsored by Rep. Riggs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:17-OCT-1997 14:38:10.00

SUBJECT: NYTimes story

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

READ:UNKNOWN

TEXT:

FYI. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 10/17/97
02:37 PM -----

Neera Tanden

10/17/97 02:14:21 PM

Record Type: Record

To: Michelle Crisci/WHO/EOP, Jose Cerda III/OPD/EOP

cc:

Subject: NYTimes story

I was just told by folks at NIJ that Fox Butterfield is working on a story re: the connection between declining crack use and declining homicide rates. Jeremy Travis has talked to Fox and he thinks it may run this weekend. You all may know about this already, but just in case I thought I'd give a heads up.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karen Tramontano (CN=Karen Tramontano/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-OCT-1997 08:47:52.00

SUBJECT: Child Care Conference

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

READ:UNKNOWN

TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Ruby Shamir (CN=Ruby Shamir/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

I received word yesterday that we will be announcing a business council out of the child care conference. I urge that we change the name -- given labor's historical and present record of establishing labor/management child care centers, calling a council "business" would very much disturb labor leaders -- any other name would work better --

also, can we make the connection between quality child care and child care workers -- who are among the lowest paid and receive no benefits -- especially since I understand we will be announcing a national registry -- child care workers hear this as the only thing we say about workers who care for children is that they are criminals -- we need to balance this with some affirmative statements about workers and a policy statement about their wages, working conditions and benefits because they are horrible. We we talk about child care "providers" I fear we are thinking institutionally and not about workers -- they are the bulk of the providers.

Thank you for your consideration in this regard.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 01:04:08.00

SUBJECT: Summary of accomplishments since service summit for your review

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

TEXT:

This is for Ann Lewis to use when she talks to reporters. I decided to link each item to the summit's 5 goals -- kind of dorky, but since we hear that Powell and Alter think we aren't focused enough on them, I thought I'd see how it looked. (There is an item in here on race that Silverman wrote that I am checking on; it could be totally wrong.)

Administration Accomplishments Since the Presidents', Service Summit

President Clinton is deeply committed to the goals of the Presidents', Summit for America's Future held in Philadelphia last April. Service and the well-being of our nation's children have been at the center of the President's agenda since he took office.

The President is committed to moving forward with America's Promise and other partners to attain the summit's goals for children -- a caring adult, a safe place, a healthy start, a marketable skill, and a chance to serve. Since April, the President has continued to emphasize the importance of service to audiences, including the Business Roundtable, the Conference of Mayors, the Welfare-to-Work Partnership, and the radio address, and has recognized major corporate commitments. At the same time, the Administration has been moving forward on all five goals.

The Spirit and Work of the Summit Continues

Since the summit, America's Promise and the Corporation for National Service have continued the work that began at the summit -- working with communities at the grass-roots level and securing commitments from corporate and non-profit America toward the five goals. America's Promise, the independent organization founded to follow up on the summit, has garnered over 200 new commitments since the summit, some very substantial. Over 150 cities and states are holding mini-summits around the country, with the help of America's Promise and the Corporation for National Service. America's Promise is encouraging communities to become communities of promise that take responsibility for reaching children at risk. The President has met with General Powell to discuss progress since April and talk about future directions.

The President's Corporation for National Service is also helping corporations and non-profits implement their summit commitments at the local level. Viacom is deploying its employee volunteers through AmeriCorps. The Corporation's Learn and Serve America program is helping in the delivery of eye exams and glasses to over 40,000 needy children promised by Vision Service Plan. The Corporation's National Senior Service Corps is helping the National Education Association-Retired meet its commitment to deploy thousands of retired teachers as tutors for

America Reads.

The Administration is Moving Ahead on the Summit's Goals
Since April, we have continued our work on the summit's five goals.
Several of the following initiatives were announced at the summit itself
by the President or by federal agencies.

AmeriCorps Scholarships:

We have increased opportunities for young people to serve their
communities. At the summit, the President issued a challenge to service
and religious organizations that we would provide 50,000 new AmeriCorps
scholarships over the next 5 years to organizations that offer young
people the chance to serve. The response since then has far exceeded our
expectations. Seventy-seven organizations answered that challenge,
offering to sponsor 10,000 new AmeriCorps members. In June, 8,900
scholarships were approved, well ahead of our first-year plan for 5,000
scholarships. (Summit goal 5, among others.)

National Service Scholars:

This summer, we launched a new effort to recognize and foster outstanding
community service among our nation's youth. We awarded scholarships to
over 1,600 high school students with exemplary service records in the
first year of the National Service Scholars program. A host of leading
community organizations stepped forward to raise the local match for the
scholarships, including the Kiwanis, Rotary, Lions, Veterans of Foreign
Wars, the American Legion, Elks, and Women's Clubs. Each high school
principal was invited to nominate a junior or senior for the scholarship.
For next year, we have secured funding that will allow the program to
expand to 10,000 high schools -- almost half of all high schools in the
nation. (Summit goal 5.)

Children's Health:

The Balanced Budget Act included a major investment in children's health
care, which will give many more children the "healthy start" that the
Summit recognized as so important. In June, the President announced that
Kaiser Permanente is committing \$100 million to provide health coverage
for uninsured children in California, complementing the Administration's
efforts. The Administration is also focusing on outreach to families who
may not know their children are eligible for Medicaid or other health
insurance. (Summit goal 3.)

Welfare to Work:

Since May, the Vice President has been leading the Coalition to Sustain
Success, a new partnership of civic organizations that is working with
state and local government to mentor families seeking to leave welfare for
work and provide them with networking and support. In addition, the
Welfare to Work Partnership has mobilized over 2,000 businesses to hire
welfare recipients, so that those parents can move into the economic
mainstream and improve their children's future. The Partnership is
helping companies all across the nation hire people off welfare through a
toll-free hotline, web page, and public service announcements, as well as
working closely with community and business leaders in a number of cities
to help promote innovative and effective welfare to work initiatives.
(Several summit goals.)

Loan-Forgiveness for Community Service:

The President's proposal for loan forgiveness for those who perform
community service was enacted as part of the balanced budget. To
encourage private universities and non-profit organizations to offer loan
forgiveness to borrowers who take lower-paying service jobs, the President

proposed and won a provision that would not subject such loan forgiveness to taxation. (Summit goal 5.)

The President's Initiative on Race: not sure this is right????
Dialogue in Communities, one of the goals for the President's Initiative on Race, seeks to promote a national dialogue on the issues surrounding race. We are working with America's Promise to tap into their existing structure and relationship with communities across the country to initiate conversations on race.

America Reads and AmeriCorps: The Department of Education and the Corporation for National Service have begun to implement the President's America Reads program this year, while seeking resources from Congress for full-scale implementation in 1998-99. Hundreds of colleges and universities [on Tuesday we will announce it's 800] have committed to provide tens of thousands of work-study students as reading tutors in the current school year as part of America Reads, the national literacy campaign to ensure that every child can read well and independently by the third grade.

AmeriCorps members are working in 94 programs across the country to tutor and mentor, set up after-school and summer programs, and recruit parents and community volunteers as tutors. The Corporation is also launching a new "Seniors in Schools" initiative in nine cities to use older volunteers as literacy tutors in some of the nation's poorest elementary schools. In the District of Columbia, over 1,000 college students, volunteers, seniors, and parents will tutor first grade children in 16 of the neediest schools in the city. (Summit goal 4.)

White House Conference on Child Care: On October 23, the President and First Lady will host this event as part of an Administration focus on how to ensure high quality child care. This effort builds on our earlier emphasis on the importance of early learning. (Summit goals 1, 2, and 4.)

Commitments by Federal Agencies: Federal agencies are following through on the more than 40 commitments they made at the summit, including mentoring and tutoring and launching new partnerships with corporations and nonprofits. They are also continuing to launch new initiatives and partnerships to reach the summit's goals. Here are some examples of agency progress:

Department of Justice: The Department of Justice has convened a new public/private Mentoring Alliance to promote the Summit's mentoring goal, disseminate information about best practices, and determine how best to link volunteers with the children who need them. Members include Big Brothers/Big Sisters, One to One, Boys and Girls Clubs of America, and Save the Children. In addition, DOJ has followed through on its commitment to more than double the number of sites for its Juvenile Mentoring Program. (Summit goal 1.)

DOJ also completed its commitment to expand its Drug Education for Youth (DEFY) summer camp program that promotes positive life choices for children between the ages of 9 and 12. After the summer program, the children are linked with mentors from the local U.S. Attorney's office, police department, or university. DOJ's new Youth Network provides a forum for young people and community organizations to exchange ideas on juvenile violence and delinquency prevention. (Summit goals 1 and 2.)

Corporation for National Service: The Corporation for National Service is taking the lead to meet the Summit's goal of engaging an additional 2 million young people in community service. (Summit goal 5.) It is also developing a new initiative "To Learn and Grow" to expand and improve

the quality of afterschool programs (Summit goal 2).

Department of Education: This summer, the summer reading program Read*Write*Now! reached over 1.5 million children through over 500,000 reading partners, fulfilling the Department's commitment. (Summit goal 4.)

Health and Human Services: In June, HHS Secretary Shalala launched a new partnership with the Girl Scouts, to teach girls about the dangers of substance abuse and other risky behaviors, featuring a new patch that Girl Scouts can earn by completing the program. (Summit goals 1 and 3.)

Department of Defense: The Army has modified its leave policy to make it easier for military and civilian personnel to volunteer in schools. Pursuant to its commitment, the Department of Defense is increasing high school enrollment in Junior ROTC Career Academies, an alternative to the regular high school JROTC program designed to address the special needs of at-risk youth. (Summit goals 1, 2, and 4.)

Department of Agriculture: In September, the Vice President and Agriculture Secretary Dan Glickman convened a National Summit on Food Recovery, to develop a national strategy to increase gleaning efforts by one-third by the year 2000. (Summit goal 5.)

Department of Transportation: DOT has launched its new effort, the Garrett A. Morgan Technology & Transportation Futures Program. To date, DOT has heard from over 200 partners who want to join its effort to reach one million students by the year 2000. The program will offer these students better math, science, and technology skills and information about careers in technology and transportation. (Summit goal 4.)

Partnership with Schools: The Social Security Administration, the Department of Labor, the Department of Health and Human Services, and the Department of Transportation are among the agencies forging new partnerships with schools. (Summit goals 1 and 4.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 19:11:05.00

SUBJECT: disability EO

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

READ:UNKNOWN

TEXT:

This is to confess that I have fallen far behind the timeline you set out at the last meeting you attended on this subject -- that we get the draft into clearance by October 3. The only thing I can say in my defense is that the process has continued to be fairly excruciating at every step. Here's the latest status.

The major outstanding issue is now funding. All the smart people want DOL to chair it, and DOL is willing to do so IF we can settle the budget and the source of funds. But DOL and OMB are having a chicken-and-egg argument about who should be first to estimate what the task force would cost. DOL refuses to have this put into clearance with them listed as chair until this is settled, and everyone thinks it's a bit wacky to put it into clearance with a blank where the chair ought to be. DOL also wants a meeting with all the top people at agencies in the task force (Thurm, Apfel, Higgins, Mike Smith, etc.) to "validate" this -- which should be a nightmare to put together.

I will keep pushing, but if we don't get it into clearance in the next few days, it will be impossible to issue this in October. That's not the end of the world, but I would like to get this settled. If you think I should just put it into clearance without a chair, or ignore Seth and put in DOL's name, let me know.

P.S. The other messy issue is on the good idea of having Defense's nice computer accommodations program service all the agencies. Turns out that this can't be done by executive order, according to OMB general counsel, and I suspect they're right. So it looks like we have to turn this into a legislative proposal, which I will try to do to coincide with the release of the EO.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 18:19:07.00

SUBJECT: Tobacco bills

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

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

TEXT:

Cathy will send you copies of bootleg tobacco bills -- one is Big Tobacco's draft of June 20th, the other is the Castano group's draft of June 20th plus the President's changes. Both came from a supporter of ours who wants us to keep them confidential.

Quality Commission Preliminary "Bill of Rights". The Quality Commission has finished a draft of the bill of rights you requested they submit to you this fall. The bill of rights includes a wide range of consumer protections recommendations that health plans should have including access to specialists and emergency services, participation in treatment options (e.g. anti-gag rules), and choice of health plans. At this point, the Commission will not recommend an enforcement mechanism for the bill of rights, which will help mitigate the criticisms from the business community. We expect there may be significant coverage of this in the next week. The Commission is meeting to discuss their final recommendations and plans to submit them to you in the middle of November.

Breast Cancer Event. You and the First Lady are taping next week's radio address on breast cancer at an event with the breast cancer community and the sponsors of PSAs. The radio address will include a number of new initiatives on breast cancer such as: a new FDA rule ensuring high quality standards for mammography; a new education campaign at NIH to ensure that health care providers and women have information consistent with new recommendations that women 40-49 should have regular mammograms; the First Lady's annual mammography campaign; new reforms in the balanced budget which provide copayments for mammograms and new outreach efforts to encourage minority Medicare beneficiaries to get regular mammograms; as well as this year's PSAs on mammograms.

Children's Outreach. We had an encouraging meeting with the National Governors' Association on children's outreach. They were very receptive to new ideas on outreach in schools and child care centers to help target uninsured children. One possible option that most interested NGA was accessing the \$500 million administrative and outreach fund currently allocated for states to help assure that children moving off welfare rolls do not lose Medicaid eligibility. The new option would allow this money to go to help children enroll in either Medicaid or the new children's health care program.

Medicare Commission. The Senate Republican Leadership are likely to appoint two members and two health policy experts. They are considering Senator Gramm and either Senator Frist (favored by the Leadership but opposed by some concerned about family ties to Columbia/HCA) or Senator Roth (Chairman of Senate Finance who is making a big push to be on this). The two health care experts are likely to be Debbie Steeleman (Bush Administration Chair of the Steeleman Health Care Commission) and a health policy expert from the state of Mississippi. The House Republicans are likely to appoint Rep. Thomas and Rep. Bilikaris (the two health subcommittee Chairs on the committees of jurisdiction over Medicare). Their two other slots appear wide open, although possibilities include Gail Wilensky (PPRC), Stuart Butler (Heritage Foundation), Horace Deets (AARP).

The Senate Democrats are considering Senators Kerrey and Rockefeller, although Senator Daschle is still sensitive to choosing only members and would still like to trade Rockefeller for one of our choices. Congressman Gephardt does not seem to have concerns about only picking

members and is likely to choose Rep. Stark and Rep. Dingell, the two health subcommittee chairs on Medicare, similar to the House Republicans. The latest nominations we are hearing on possible Chair selection by Republican leadership are Rep. Bob Michel (R-IL), former Rep. Bill Frenzel (R-MN), and former Rep. Barbra Conable (R-NY).

Medicaid and Tobacco. In recent testimony before the Senate Labor Committee, Donna Shalala indicated that it was our intention to send letters to states who have made settlements with the tobacco industry that affirm the Federal government's statutory authority to its portion of any Medicaid savings. Under current law, the Federal government is entitled to, and consistently claims, its share of dollars that have subsequently been recaptured by the states in their administration of the Medicaid program. We do this for example when states obtain settlements in fraud and abuse cases and other provider overpayments all the time.

Many states reacted quite negatively to the Secretary's comments and are taking the position that most if not all of their settlements with the industry have no legitimate Federal claim. They strongly urged us not to send out any such letters that would undermine Federal/state relationships. The Justice Department and lawyers at HHS are urging us to proceed with the letters for fear that any decision to recant the Secretary's testimony would indicate our willingness not to enforce the law. We are now reviewing options within the White House, HHS, and DOJ. Our current thinking is to moderate the tone of the letters to simply notify the Federal interest in recapture of Medicaid dollars and to indicate that our mutual interest in assuring that any national settlement addresses the Federal/state allocation of dollars from the industry in a mutually acceptable manner. It is unclear as of this time whether this kind of modification would be determined legally acceptable by Justice Department.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-OCT-1997 19:11:17.00

SUBJECT: Labor and Child Care

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

READ:UNKNOWN

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

READ:UNKNOWN

Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TEXT:

Karen Tramontano makes two good points in her memo. It seems to me easy to make the connection between quality and child care providers -- it's implicit in the policy aspect that encourages them to use Pell grants to get more education, etc; we just need to be more conscious to make it explicit.

About the "Business Council" Is this modeled after the Colorado effort ? Is that what they called it ? I wonder if we could find a more inclusive name like "Leadership Council " --mostly business with one labor leader, maybe one other ??

I do realize- I think - that the purpose is to get business to take responsibility to do more. But we don't mean to send the signal that labor is irrelevant or of no value. . Here is an area where they are eager to be supportive partners with us in achieving the common goal --increasing access to child care . I hope we can give a positive response .