

NLWJC - KAGAN

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[07/27/1998 - 07/28/1998]

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Christopher Edley to Elena Kagan and Sidney Blumenthal. Subject: health (1 page)	07/28/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[07/27/1998 - 07/28/1998]

2009-1006-F
ke750

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

CREATION DATE/TIME:27-JUL-1998 14:29:24.00

SUBJECT: GOP Split Over Moral Agenda

TO: Elizabeth Gore (CN=Elizabeth Gore/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

TO: Elena Kagan (CN=Elena Kagan/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: Charles E. Kieffer (CN=Charles E. Kieffer/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

TO: Martha Foley (CN=Martha Foley/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: Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Joshua Gotbaum (CN=Joshua Gotbaum/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

TEXT:

----- Forwarded by Richard Socarides/WHO/EOP on 07/27/98
02:07 PM -----

Doug.Case @ sdsu.edu

07/27/98 01:51:00 PM

Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides
cc:
Subject: GOP Split Over Moral Agenda

ASSOCIATED PRESS
July 27, 1998

GOP Split Over Moral Agenda

By RON FOURNIER

WASHINGTON (AP) - Fueling the party's ideological divide, a group of GOP moderates is warning that a narrowly drawn moral agenda could cost Republicans control of the House in November.

The Republican Leadership Council recently commissioned a poll of voters in 77 competitive House districts, concluding that undecided voters are likely to vote Democratic if Republicans appear too extreme.

``The center of the electorate is both the problem and the opportunity for the Republican Party,'' wrote pollster Kieran Mahoney. She suggested the GOP focus on its popular education and economic plans - not social issues such as homosexuality, abortion and pornography.

The poll was being released at a news conference today - 100 days before Election Day. It follows the Republican National Committee's weekend meeting in New York, which showcased vocal moderate leaders who are sometimes at odds with more conservative Republicans.

New York Mayor Rudolph Giuliani told RNC members Friday to set aside ``philosophical bickering'' and rally behind any Republican who can win the presidency - even if it means sacrificing ``one principle here or one principle there.''

He was given a warm reception, although several RNC members said conservatives will not sacrifice their principles on issues such as abortion, gay rights and gun control.

Moderate GOP Govs. George Pataki of New York and Christie Whitman of New Jersey also addressed the group.

The poll of 800 likely voters was conducted July 17-20 in congressional

districts where the Republican candidate for Congress in 1996 won or lost the district by a margin of 10 percentage points or less. It had a margin of error of plus or minus 3.5 percentage points.

About 12 percent of those surveyed said they were interested primarily in moral issues. The economy, education and health care drew higher numbers.

"If the Republican Party decides to focus on an issue cluster that contains only 12 percent of the voters, while ignoring over 87 percent of the electorate, the Republican Party will lose control of the House and fail to maximize opportunities in the United States Senate and gubernatorial contests," pollster Mahoney wrote.

Among voters who thought the party was most interested in moral issues, the GOP was 27.8 percent favorable and 47.6 percent unfavorable.

On the other hand, conservative leaders argue that in November's election, which will draw relatively few voters, it is most important to energize core supporters. The polls shows that the GOP base is intact; 86.6 percent of traditional Republicans plans to voter for their party's candidates.

Registered Republicans were asked if they favor or oppose "excluding homosexuals from leadership positions in the Republican Party because they are gay." Sixty-one percent said they opposed it.

Republican leaders, including Senate Majority Leader Trent Lott, have said recently that homosexuality is a sin.

With a large number of undecided voters up for grabs, respondents who plan to split their tickets among Democrats and Republicans - along with voters who call themselves moderates or independents - tended to slightly favor Democrats in the poll.

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
 id <01IZW9MI1B5S009BQ3@PMDF.EOP.GOV>; Mon, 27 Jul 1998 12:57:35 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
 with ESMTTP id <01IZW9MFEGSW0040E3@PMDF.EOP.GOV>; Mon,
 27 Jul 1998 12:57:32 -0400 (EDT)

Received: from mail.sdsu.edu ([130.191.25.1])
 by STORM.EOP.GOV (PMDF V5.1-10 #29131)

with ESMTTP id <01IZW9M29JYA0001SQ@STORM.EOP.GOV>; Mon,
27 Jul 1998 12:57:14 -0400 (EDT)
Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTTP id JAA10973; Mon,
27 Jul 1998 09:50:43 -0700 (PDT)
X-Sender: dcase@mail.sdsu.edu
===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 09:01:20.00

SUBJECT: Re: title ix harassment fix

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

READ:UNKNOWN

TEXT:

According to Eddie, the Dpt. of Justice and the Dept. of Educ. are working on whether they can develop a regulatory or legislative fix to the Supreme Court case that limits damage liability for schools (and school districts) to cases where the school has actual knowledge of or deliberate indifference to the sexual harassment. The Dpt. of Educ. has authority to promulgate regs. that impose other duties on school districts, and Ed. and DOJ are trying to determine if they could do regs for this. Even if they could promulgate such regs, there is a question of what the remedy could be. Also, according to Eddie, it is unclear whether it is currently a violation of Title IX not to set up an internal mechanism for harassment complaints. Eddie said that the Ed./DOJ group has been meeting, and that he would find out where they are and let me know.

julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 12:17:00.00

SUBJECT: Referral Info for HHS AC Funds

TO: Cathy R. Mays (CN=Cathy R. Mays/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

TEXT:

Attached is the proper contact info for individuals inquiring about the Emergenct cooling Funds announced by HHS last Thursday:

Alabama- Dept. Of community Affairs- 334-242-5442
Arkansas- Dept. of Human Services- 501-682-8715
Florida- Dept. Of community Affairs- 850-488-8466
Georgia- Dept. Of Family and Children Services- 404-656-6696
Louisiana- Dept. Of Social Services- 504-342-4016
Mississippi- Dept. Of Human services- 601-359-4509
North Carolina- Dept. Of Health and Human services- 919-733-3055
Oklahoma- Dept. Of Human Services-405-521-3646
South carolina- Division of Economic Opportuntinty- 803-734-0662
Tennessee- Dept. Of Human Services-615-313-4700
Texas- Dept. Of Housing and Community Affairs- 512-475-3932

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JUL-1998 19:34:21.00

SUBJECT: Here's my attempt at new paragraph.

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

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

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

TEXT:
Please review and edit away. I will send off to Justice as soon as I hear from you.

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D96]MAIL47214041N.226 to ASCII,
The following is a HEX DUMP:

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6FAF7D8AE19E1939F934BC860A48740ED0C55D23F7489C1308F7C6BF26EE0ADE84ED539A34D376
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85AC5CAF47C7E1265AEE330C8198EA7F73DAAD3827F736123017EFB3F8CFE706917F1F46843957
8FE92A8CEBBB2ED4FA1D05EEA1C9FB40BE8792B86DE27C79A3DE960BF02D4E5F17FDBC2CF3DDB5

Automated Records Management System
Hex-Dump Conversion

NEW INSERT FOR 2nd PARAGRAPH. (This would be added onto the 3rd paragraph.)

The President is opposed to assisted suicide and any Federal support for it. As such, he is open to working with you and other interested Members of Congress on this complex but extremely important issue. Having said this, the Administration believes that H.R. 4006 represents a flawed approach to the Federal regulation of medicine. We are particularly concerned that the insertion of the Drug Enforcement Agency (DEA) into the role of overseer of the practice of the medicine would inevitably divert agency attention away from the core mission of strictly controlling Schedule I drugs and preventing the diversion of and trafficking in all scheduled drugs.

Determination of whether... (Start new paragraph here)

cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lisa M. Jones (CN=Lisa M. Jones/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:27-JUL-1998 14:42:32.00

SUBJECT: Headsup memo

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

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

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

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

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

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

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

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

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

TO: Sally Katzen (CN=Sally Katzen/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: Lawrence J. Stein (CN=Lawrence J. Stein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

TEXT:

Memo was signed on Friday, July 24.

MEMORANDUM FOR ERSKINE BOWLES

THROUGH: Jack Lew

FROM: Donald R. Arbuckle

SUBJECT: Increase in User Fees for Immigration Services

We are about to complete review of a final rule from the Immigration and Naturalization Service (INS) that would raise user fees for nearly two dozen INS services. Such services include naturalization applications, work authorization requests, and adoption of overseas children. The final rule is based on a 1995 analysis of costs for these services and is intended to fully fund the costs providing these services. The overall cost effect of this change could add as much as \$272 million per year to INS's Immigration Examinations Fee Account. The budget effects of this policy are reflected in the FY 99 Budget, and senior Administration officials have told Congress that we need to publish this rule to ensure solvency at the INS and to reduce the backlog of naturalization applications.

The proposed rule received over 2,000 comments, most of which opposed the increase in fees. Immigrant advocates are upset that INS continues to provide poor service and that the naturalization backlog continues to grow -- yet applicants will have to pay more under the new INS fee schedule. Most immigrant groups believe that the fee increase should take effect only after the INS significantly reduces the naturalization backlog. Groups are seeking a one-time appropriation of funds to increase INS's backlog reduction efforts. Jack Lew recently spoke with Congressman Becerra, Chairman of the Hispanic Caucus, who accepts the need for an immediate fee increase but believes strongly that the higher fee should be used only to process new applicants, while the backlog should be financed by some other means. Congressman Becerra agreed to work with us on an appropriate strategy to resolve these issues.

We believe that the benefits from this rule -- including program solvency and, ultimately, faster processing of applications -- justify the increase in fees. We would like to clear this rule by COB Monday. If you have any questions or concerns, please let me know immediately.

cc: Maria Echaveste
Rahm Emanuel
Larry Stein
Ron Klain
Thurgood Marshall, Jr.
Ann Lewis
Sally Katzen
Minyon Moore
John Podesta
Bruce Reed
Gene Sperling
Elena Kagan
Barry Toiv
Michael Waldman
Janet Yellen
Mickey Ibarra
Michael Deich

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 12:46:46.00

SUBJECT: DED for Liberians

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

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/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:

Bruce/Elena:

Yesterday, NSC hosted a meeting with DOJ and the State Department to discuss recent requests by refugee and Liberian advocacy groups for the President to direct the Attorney General to employ DED (Deferred Enforced Departure) for Liberians.

As you recall, last winter the President directed the Attorney General and the INS to defer for one year the deportation of Haitians who were paroled into the U.S. or applied for asylum prior to Dec. 31, 1995. At that time, the NSC and the State Dept. concluded that there were strong foreign policy reasons not to send large numbers of Haitians (approximately 40,000) back to the country. This conclusion was supported by commitments by the Administration and members of Congress (at the urging of Haitian President Rene Preval) to work on providing a legislative solution for these Haitians within the year.

The situation for Liberians is very different. First, the State Department has concluded that though the economic situation in Liberia is bad, the country is politically stable. In fact, the U.S. is funding a UNHCR (United Nations High Commission on Refugees) effort to facilitate the return of approximately 480,000 Liberians from other countries (non-U.S.) back to Liberia (the population of Liberia is now approximately 4 million). In addition, many Liberians from around the world are voluntarily repatriating. There are a total of 8,000 Liberians in this country who would be affected by this DED. Of course, some number of the Liberians in this country are political asylees. Like other asylum seekers, if they have a credible fear of persecution based on a covered category (political activities, religious beliefs, etc.) they would be eligible for asylum (DOJ tells us that the approval rate for Liberians seeking asylum is approx. 80%).

Given all of these factors, there does not seem to be a credible basis for the President to use his extraordinary authority to grant DED for this small population of Liberians -- particularly in light of U.S. support for the repatriation of hundreds of thousands of Liberians from other countries. The DOJ and State appear to agree with this view. NSC's position is not clear, though Scott B. seems inclined to advocate for DED.

The one complication here is that Jesse Jackson was recently in Liberia,

and he may ask that the President issue DED for Liberians (this issue has been brought to his attention by advocacy groups). Howard Jeter (Director of West African Affairs at the State Dept. and Jackson's travelling companion last week in Liberia) indicated that he would brief Jackson on the situation and get his reaction. According to Scott B., Berger wants to respond to the letters that he received on this issue by the end of next week.

julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Neera Tanden (CN=Neera Tanden/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-JUL-1998 21:56:59.00

SUBJECT: charter schools -- quick update

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

READ:UNKNOWN

CC: Jonathan H. Schnur (CN=Jonathan H. Schnur/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Just wanted to brief you on a recent development:

Jack called Melanne about D.C. developments in general this evening. They discussed the issue of charter schools in particular in some detail. Melanne conveyed her support of the House version of the D.C. approps on charter schools. She argued that since it's unlikely that we will ever get the \$100 million in economic development money, we should state outright our support for the House position and work to ensure that this is the resolution in conference. He seemed amenable on that issue. However, they did not go into detail about the Senate.

Also, I wanted to explain the concern about Carol that I raised earlier. Basically, Carol has been working with the Control Board very closely for a long time, and I am concerned that Carol has been advocating the Board position on these matters, even on those issues on which the Administration and the Board may have conflicting views, e.g. charters. (I believe Jon shares this concern.) My concern is that the Board's position on the request for broad transfer authority is untenable, and that for all we know, they are using the issue of charter schools as leverage to get transfer authority in lieu of a real resolution of the charter school issue. This of course is a gamble, because they could easily never receive the transfer authority as well as any resolution of charters. And in fact, this is what happened in the Senate full committee -- while Jon and I were told several times that the Senate would fix the problem with some kind of transfer authority, they neither fixed charter schools nor offered any transfer authority. In my conversations with Carol, she has argued the Board position, and while I realize that we must be deferential to the Board, such deference does not preclude us from trying to convince them to take actions that would meet some Administration priorities as well. My only concern was that the DPC/Education/First Lady view gets communicated to Jack, and hopefully, ultimately to Alice. However, the conversation between Jack and Melanne above assauges many of these concerns.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June Shih (CN=June Shih/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-JUL-1998 14:55:05.00

SUBJECT: education speech draft

TO: Eleanor S. Parker (CN=Eleanor S. Parker/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Tanya E. Martin (CN=Tanya E. Martin/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D12]MAIL419866411.226 to ASCII,
The following is a HEX DUMP:

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9C91B5873CC1D90B6F01E3BF1ACA85F0A3D531A0A2BB31828D50B4F1BD41789D3E60432ADE02AE
4D789B059491DF955DE4EF22ADF6A5C8B53BAD0C0C93330C06D38C34888061DC5D0DC65CCB19DB
5088B56F93C816D67E49029FCCE0240A17ADA2603E5F875AA3B9169A1B9F401A53A2AC43EEF964
A698B101E9C4CAC5022F423DD6ED077EC3104DDA4EB6D072A148EE407311E9EA9C8970422FAAB3
79EEACE896D54669D50D429C8675F4DF63147395078C0720193D45C6AE9D8FE437BE61D75F7080

Draft 7/28/98 2:30 p.m.
June Shih

**PRESIDENT WILLIAM J. CLINTON
REMARKS TO THE SECOND WORLD CONGRESS OF EDUCATION
INTERNATIONAL
WASHINGTON, D.C.
JULY 29, 1998**

Good Morning. I am delighted to join this Second World Congress of Education International on your final day in Washington. I hope you've had a successful meeting and are preparing to go home energized, with a renewed commitment to our children and their future.

It is always an honor for me to meet with the world's teachers. As President, I have had the privilege of visiting schools all across America and around the world. And wherever I go -- from the Kisowera School in rural Uganda to the Mangueira school in inner city Rio de Janeiro -- I have met teachers whose dedication to their students is nothing short of heroic. Men and women for whom kindling the spark of possibility in every child -- from the girl who dreams of being the first in her struggling family to go to college to that once-in-a-career math prodigy -- isn't just a job, but a vital mission. I know there are many more like them -- beginning with the educators in this room. So I thank all of you and the 23 million colleagues you represent all around the world for making the education of our children your life's work.

We are living in an era of unprecedented hope and possibility. The Cold War has ended, giving way to peaceful democratic revolutions on nearly every continent on Earth. A technological revolution is sweeping all across the globe, changing the way so many of us live and work; binding our economies even closer together; making our world seem even smaller. Today, there are 100 million people connected to the Internet. In just three years, that number could grow to more than 700 million.

But with all these hopeful changes come new challenges. We all know that new democracies must be carefully nurtured by their citizens if they are to take root and thrive. We all know that with technology advancing at rapid speed, the best jobs, the best opportunities of the future will be available only to those with the skills and knowledge to take advantage of them; that if we do not take action, dangerous opportunity gaps between those people and those nations with these skills and those without could grow and deepen.

The best way to meet these challenges -- to strengthen democracy and to strengthen our nations for the 21st Century -- is to strengthen education around the world. As we have learned from recent events in Asia, a nation's economic health depends on the health of its trading partners around the world. It is in every nation's interest to ensure every other nation's economic health. To do that, we must use education to help all people lift themselves out of poverty and into the middle class. Where once we focused all our development efforts on the construction of tractor factories and power plants, today, we must invest in the power of the human mind, in the potential of every single one of our children. A world-class education for all children is essential to combating the ignorance, prejudice and fear that have undermined

freedom, to creating global prosperity and a worldwide middle class, to fulfilling the most basic needs of the human spirit.

That is why the 21st Century must be the Century of Education. That is why the new century must be the Century of the Teacher. Throughout my career, first as governor of a small state, and now as President of the United States, I have made education my top priority. I want to tell you about what I believe every nation can and must do to strengthen education. I want to talk about what we are doing to provide every American at every stage in life a world-class education.

First, we have recognized that a college education is becoming more essential than ever in our global economy. We have made the first two years of college entirely free to every student who is willing to work and study hard. And through expanded low-cost student loans, tax credits and deductions, we are making all forms of higher education more affordable for all Americans.

Second, we are working to bring high national standards of academic excellence to our schools. Many of your countries already have national standards. We don't. I believe that so many students from around the world outperformed Americans in the Third International Math and Science Study did so because their countries set the bar high, challenged them to master rigorous and advanced material, and used national tests to ensure that they did. I want to do the same in America. With high national standards in fourth grade reading and eighth grade math, America, too, can give parents the tools they need to make sure our children are mastering the basics.

Third, we know that good teachers are the key to good schools. That is why we are working to reward and honor the most innovative, inspirational and successful teachers in our classrooms and to recruit more of our best and brightest to enter this important profession. Next, we are working to create safer, more disciplined learning environments by modernizing our schools and reducing class size. We are working hard to prepare our children for the demands of the Information Age by connecting every classroom to the Internet and training teachers in these new technologies. And finally, we are working to end the worst and most harmful practices of the past -- to abolish social promotion so that no more children are passed from grade to grade without learning the material first.

Today, there is a vigorous debate going on in our Congress over the nature and extent of our responsibilities to our children and our public schools. There are some in the other party who don't see eye-to-eye with me on honoring our commitment to our public schools. Even as we recognize the importance of raising academic standards and challenging all our students to meet them, there are those who would prohibit national tests in our schools -- including those who voluntarily decide to adopt them. Even as more studies confirm what we had already suspected about the importance of early childhood development, some on the other side would deny Head Start opportunities to 25,000 disadvantaged children. Even as the greatest number of children since the Baby Boom are enrolling in our schools, some would weaken our efforts to recruit new, highly qualified teachers. Even as hundreds of thousands of high-paying, high-tech

jobs all across America and around the world go begging for workers, some would cut investments in education technology and technology training for teachers.

And what seems most shortsighted of all, there are some who are trying to kill one America's most successful efforts to provide on-the-job training for young people. For a generation, legislators from both parties have supported a Summer Jobs program that has helped millions of our most disadvantaged young people experience the rewards and responsibilities of a regular job and a regular paycheck. Our summer jobs program honors the values we Americans cherish most -- hard work, responsibility, opportunity. If we truly honor responsibility, then we must help those young people who want to take responsibility for their lives find the jobs that will help them succeed. If we say we honor opportunity, then we must bring the opportunity of a summer job to every child who is willing to work hard.

I will not allow any of these setbacks to our children and American education. I will not allow America to abandon our vital mission of preparing our children for the world of the 21st Century. I will not allow our 21st Century children to enter the future with 20th Century skills.

In all my travels at home and abroad, I have made a point of visiting schools because I believe that you can find out a lot about a country's future from its public schools. Does every child -- boy and girl; rich and poor -- have the same opportunity to learn? Are they engaged by patient, well-trained, and inspiring teachers? Are they learning the skills they need to hold good jobs in the future, to meet the demands of the world economy? Do they have opportunities to go to college? Are the schools themselves safe, spacious and well-kept?

I believe that, together, we can build a future where the answer to all of these questions is "yes." I believe we can build a future where every child in every corner of the world has the skills, the opportunity, the education to fulfill his greatest God-given potential. I know this because our teachers are leading the way. When he came to the White House to be honored as our national teacher of the year, Philip Bigler said that "to be a teacher is to be forever an optimist." I thank every one of you for that unshakeable optimism, for believing in every child's potential to make the future even more glorious than our present. Thank you. God Bless you all.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia Dailard (CN=Cynthia Dailard/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JUL-1998 12:01:49.00

SUBJECT: Title X -- DC Appropriations Vote

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

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

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

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

TEXT:

Senator Brownback is circulating an amendment to the DC appropriations bill which would require organizations receiving Title X funds to provide adoption counseling and referral services to pregnant teens. Current Title X guidelines require Title X providers to provide non-directive counseling for the following three options: prenatal care, adoption, and abortion. Brownback's amendment would codify only adoption. His language says:

"Notwithstanding any other provision of law, a family planning organization that is conducting operations in the District of Columbia and that receives funds under Title X of the Public Health Service Act may use such funds to provide adoption services as described in [the Adolescent Family Life Program Act]".

The pro-choice community is torn over this amendment. Some of the groups (AGI, Planned Parenthood) believe that this puts adoption on a higher plane than the other options, and that it sets a bad precedent for the entire Title X program. (But practically speaking, this amendment should not have any effect on the program, since the clinics already provide adoption counseling). They want a second-degree amendment offered to Brownback's which says that nothing in the Brownback language is intended to negate the obligation of providers to provide non-directive counseling which includes the three options mentioned above. They will probably go to Boxer to offer this amendment (she is ranking member on the subcommittee).

NFPRHA (National Family Planning Assn) doesn't think it a second degree amendment is a good idea. They don't want anyone reminded that Title X clinics provide abortion referrals, because that could plant gag clause ideas in the minds of anti-choice members. I agree with this line of thinking.

Apparently, Boxer has tried to talk to Brownback to find out whether his intentions are evil (ie. he wants to undermine the entire Title X program) or benign. While she wasn't able to elicit that information, she did find out that he is adamant about bringing this up for a vote -- he wants the

Senate to be on record regarding adoption.

FYI. Any thoughts?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:28-JUL-1998 21:02:28.00

SUBJECT: URGENT-Labor Letter and Talking Points on Harkin Provision in Senate Treas

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

TO: Heather A. Johnston (CN=Heather A. Johnston/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Brian T. Fisher (CN=Brian T. Fisher/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Evan T. Farley (CN=Evan T. Farley/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Ronald L. Silberman (CN=Ronald L. Silberman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Kimberly A. Maluski (CN=Kimberly A. Maluski/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Alan B. Rhinesmith (CN=Alan B. Rhinesmith/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Charles E. Kieffer (CN=Charles E. Kieffer/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Jennifer E. Brown (CN=Jennifer E. Brown/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

TO: Allan E. Brown (CN=Allan E. Brown/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Larry R. Matlack (CN=Larry R. Matlack/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: G. E. DeSeve (CN=G. E. DeSeve/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

TO: Mary Jo Siclari (CN=Mary Jo Siclari/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Bruce K. Sasser (CN=Bruce K. Sasser/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Rodney G. Bent (CN=Rodney G. Bent/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Michael F. Crowley (CN=Michael F. Crowley/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

TO: Mathew C. Blum (CN=Mathew C. Blum/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

CC: Janet R. Forsgren (CN=Janet R. Forsgren/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:

By now you should have received the subject document via hand-delivery (NEOB) or fax (OEOB). Please note that the deadline is 9:30 a.m. Labor would like to release this letter and talking points prior to the Senate's continued consideration of the Treasury-Postal appropriations bill tomorrow morning.

Please call me (5-7887) if you have questions or did not receive the document.

**THE PRESIDENT COMMEMORATES SIGNING OF THE AMERICANS WITH DISABILITIES
ACT BY TAKING ACTIONS TO
TO INCREASE EMPLOYMENT AND IMPROVE HEALTH CARE FOR
PEOPLE WITH DISABILITIES
July 29, 1998**

Today, in commemoration of the eighth anniversary of the Americans with Disabilities Act (ADA), the President is signing an Executive Memorandum aimed at increasing employment and health care options for people with disabilities. He is also announcing his commitment to work with Senator Jeffords and Senator Kennedy to pass affordable, feasible legislation to help people with disabilities maintain their health care coverage and return to work. Today, the President:

Commemorated the Anniversary of the Americans With Disabilities Act (ADA). This landmark civil rights law makes it possible for millions of Americans to participate more fully in society and to do their part to make a stronger and better nation. The President has also significantly expanded health and other social services for people with disabilities. Since he took office, the Clinton Administration has approved hundreds of Medicaid home and community-based care waivers for people with disabilities; implemented an important regulation on personal assistance services; and created a new Task Force on Employment of People with Disabilities, chaired by Alexis Herman, Secretary of Labor and with Tony Coelho, serving as Vice Chair.

Signed A New Presidential Directive to Increase Employment and Health Care Options for People with Disabilities. While the ADA has been an extremely important law, significant challenges remain. Since 1993, 15 million new jobs have been created. But the unemployment rate among the 30 million working-age adults with disabilities continues to be significantly higher than that of the general population -- close to 75 percent for people with severe disabilities. The Task Force has already identified actions that the President can take immediately to reduce barriers to work. Today, the President is signing an Executive Memorandum will direct the relevant agencies to:

- Expand Public Education About the Americans with Disabilities Act. Although more and more Americans are becoming aware of the ADA, too many people still do not know what the ADA offers and requires. Today, the President is directing the Attorney General, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to expand public education about the requirements of the Americans with Disabilities Act of 1990 to employers, employees, and others whose rights may be affected, with special attention to small businesses and under-served populations.
- Increase Information About New Medicaid Buy-in Option. Many people with disabilities are not able to leave Social Security programs to return to work because they will lose their health care coverage. As part of last year's Balanced Budget Act, the President first proposed and enacted a new option to provide Medicaid coverage for individuals with disabilities who, because of their earnings, would not qualify for Medicaid under current law. Today, the President is also directing the Secretary of the Department of Health and Human Services to inform Governors, state legislators, state

Medicaid Directors, consumer organizations about this important option.

Announce Support For Policies to Improve Health Options for Working Adults With Disabilities. The President also announced his strong commitment to work with Senator Kennedy, Senator Jeffords, and other Members of Congress, to pass affordable, feasible legislation that helps people with disabilities maintain their health care coverage and return to work. **First, last year's Balanced Budget Act included a provision to allow people with disabilities below 250 percent of poverty to buy into the Medicaid program. This legislation gives states the flexibility to eliminate the income, unearned income, and assets limits and gives states resources and grants for taking up the Medicaid return-to-work options. This legislation also allows Americans receiving Social Security Disability Insurance to retain their Medicare when they return to work, eliminating a current law provision which often leads people with disabilities to have to choose between work and health insurance.**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 19:56:14.00

SUBJECT: New draft of talking points citing CRS study and Chuck ruff letter

TO: Elena Kagan (CN=Elena Kagan/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: Edward W. Correia (CN=Edward W. Correia/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: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Robert N. Weiner (CN=Robert N. Weiner/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D67]MAIL439110510.226 to ASCII,
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EXECUTIVE ORDER ISSUED MAY 28, 1998
PROHIBITING DISCRIMINATION IN THE FEDERAL CIVILIAN
WORKFORCE BASED ON SEXUAL ORIENTATION

Background:

- Executive Order 13087 was issued on May 28, 1998. It amends an earlier executive order, Executive Order 11478. It restates the pre-existing policy of the Executive Branch of the Federal Government to prohibit discrimination based on sexual orientation in federal civilian employment.
- Representative Hefley of Colorado and others have indicated that they will attempt to amend an appropriations bill to prohibit the use of federal funds to implement, enforce or administer the Executive Order. The Administration opposes this effort.

What exactly does the Executive Order provide?

- The Executive Order will ensure that there is a uniform policy throughout the Federal Government's Executive Branch by adding sexual orientation to the list of categories (i.e. race, color, religion, sex, national origin, handicap, or age) for which discrimination is prohibited in hiring, firing and promotion in the civilian federal workforce, as provided for in Executive Order 11478.
- This policy is about basic fairness, not about "special rights."

Does this affect affirmative action policy or create special treatment for certain groups?

- **No. Executive Order 13087 does not authorize affirmative action based on sexual orientation. It does not allow preferential treatment. It does not require that agencies find out which of their employees are gay, or how many gay employees they have hired. There are not quota programs in place for federal civilian hiring, and Executive Order 13087 does not create one.**

Will this lead to collecting information regarding the sexual orientation of employees?

- **No. Executive Order 13087 does not authorize collecting or reporting information about the sexual orientation of employees. Currently, federal agencies report information regarding the race, disability, national origin and gender of employees, but not regarding other classifications included in Executive Order 11478, such as religion. Similarly, information will not be collected or reported regarding sexual orientation.**

The CRS study states that whether there will be implementation of affirmative action is a “matter of speculation.” Is that true?

- **No, there is no need for speculation. White House Counsel Charles F.C. Ruff, in a letter dated July 22, 1998, has clearly stated that “Executive Order 13087 does not authorize affirmative action policies, such as recruitment, reporting, or goal-setting based on sexual orientation.”**

Is this a new policy?

- No. It has always been the practice of this Administration to prohibit discrimination in employment based on sexual orientation in the civilian workforce, and most federal agencies and department have taken actions, such as the issuance of policy directives or memoranda from the agency heads, to memorialize that policy. The Executive Order states this policy uniformly and for the first time in an Executive Order of the President.
- Moreover, federal law has for a long time provided that discrimination in federal civilian employment based upon sexual orientation is a prohibited personnel practice if it is found that sexual orientation did not adversely affect the performance of the employee. [Title 5 of the U.S. Code, section 2302(b)(10) prohibits “discriminat[ion] for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others...”]
- As far back as 1980, OPM has issued its interpretation of existing federal law stating that “applicants and employees are to be protected against inquiries into, or actions based upon, non-job-related conduct, such as religious, community, or social affiliations, or sexual orientation.”

If this is not a new policy, why was an Executive Order necessary?

- The Executive Order states a uniform policy throughout the Executive Branch of the Federal Government.

What impact does this have on the uniformed military service?

- None. This order does not apply to the uniformed military service.

What, if any, enforcement rights are granted?

- This Executive Order states Administration policy but does not create any new enforcement rights. Those rights would be granted by legislation passed by the Congress, such as the Employment Non-Discrimination Act, H.R. 1858, which the President supports. White House Counsel Charles F.C. Ruff has stated: “The executive order does

not create any rights to file a complaint alleging discrimination on the basis of sexual orientation with a court or with the EEOC. The order leaves intact the current procedures for dealing with such complaints. An employee who believes he or she has suffered adverse action may seek redress under procedures now available within each agency.”

- Even the CRS study concludes that “E.O. 13087 essentially makes [the prohibition against discrimination based on sexual orientation] universal in the Federal Executive Branch and with respect to civilian employees of the military departments . . . , but **would not create judicial enforceable rights in the absence of congressional action.**”

What is the authority for the President to issue this executive order?

- Presidents since George Washington have directed Executive Orders to their employees in the Executive Branch. In 1966, Congress specifically reinforced the President’s Constitutional authority to “prescribe regulations for the conduct of employees in the executive branch.” 5 U.S.C. § 7301. Presidents have frequently exercised that authority over the federal workforce, issuing scores of Executive Orders. This particular Order by President Clinton amends Executive Order 11478, issued in 1969 by President Nixon, barring federal employees from discriminating based on race, color, religion, sex, national origin, handicap or age. The same authority that supported that Order supports this one. President Reagan issued Executive Order 12564, requiring a drug-free federal workplace, and Executive Order 12353, governing charitable fundraising by federal employees. President Bush issued Executive Order 12674, setting forth principles of ethical conduct for government employees. It would be contradictory to contend that the President can regulate the ethical conduct of federal employees, that he can prescribe standards for fundraising and require drug testing, but cannot instruct federal employees to refrain from discriminating on the basis of sexual orientation.

What is the meaning of the phrase “sexual orientation?”

- **The President intends the term to have the common meaning stated in the Employment Non-Discrimination Act, “homosexuality, bisexuality, or heterosexuality.” With regard to all these issues, as this is the President’s order, the President’s intent informs the meaning of the executive order. See Sea-Land Service, Inc. v. Interstate Commerce Commission, 738 F.2d 1311, 1314 (D.C. Cir. 1984) (“The ‘law’ at issue in this instance is an Executive Order promulgated by the President, and it is to his intent that we must turn for guidance . . .”).**

Is this an attempt to legislate by executive order?

- This executive order does not amend Title VII or Executive Order 11246 or create new rights or remedies for discrimination based on sexual orientation. It is the role of Congress, and not the Executive Branch, to amend federal statutes.
- Unlike Title VII, which applies to employers generally, including private employers, Executive Order 13087 merely sets internal employment policy for the Executive Branch.

Would the executive order require federal contractors or state and local governments to hire gays?

- This executive order applies only to employees of the Executive branch; it does not apply to federal contractors, subcontractors or grant recipients, or to State and local governments. Federal contractors are not “employees” of the Federal government.

Is there public support for the Executive Order?

- Recent national polls by Newsweek and the Associated Press indicate that between 84-85% of Americans favor equal rights for gay people in the workplace.
- The proposed federal legislation on this topic, the Employment Non-Discrimination Act, H.R. 1858 and S. 869, enjoys strong bipartisan support in the 105th Congress, with 33 Senator cosponsors and 159 House cosponsors. In addition, a majority of House Members and over two-thirds of the Senate have specifically indicated that sexual orientation was not a consideration in their own employment practices.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 18:48:46.00

SUBJECT: Grandmothers

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

READ:UNKNOWN

TEXT:

Is someone working on this or should I be?

----- Forwarded by Jennifer L. Klein/OPD/EOP on 07/28/98

05:55 PM -----

Ann F. Lewis

07/28/98 06:01:12 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Jennifer L. Klein/OPD/EOP, Maureen T. Shea/WHO/EOP

cc:

Subject: Grandmothers

According to todays NYTimes: "About 4 million children ...live in households headed by a grandparent, a 41 percent increase since 1992 ...Research by AARP attributes this rise mainly to high rates of substance abuse by parents; child abuse neglect, or abandonment...."

I think I remember that we were trying to get more information about custodial grandparents to explain problems with the Child Custoday/Locking Up Granny bill.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:28-JUL-1998 14:47:09.00

SUBJECT: Reminder--comments on Labor report on H.R. 4037 (Electronic Access to Mate

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Robert G. Damus (CN=Robert G. Damus/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jonathan Orszag (CN=Jonathan Orszag/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Sarah S. Lee (CN=Sarah S. Lee/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Bruce W. McConnell (CN=Bruce W. McConnell/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Janet R. Forsgren (CN=Janet R. Forsgren/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TEXT:

This is a reminder that your comments on the subject report are due.

Please provide all comments no later than 4 p.m. today. If I do not hear from you, I will assume you have no comments and will clear the document.

Please call (5-7887) if you have any comments or questions. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JUL-1998 18:50:55.00

SUBJECT: Follow up on NYT Story re: Minorities on Welfare

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

READ:UNKNOWN

TEXT:

Just a heads up that Maria Echaveste dropped by our weekly welfare reform meeting to discuss follow up on Jason DeParle story. She said POTUS expressed concern about the issue to she and Gene before the social security event yesterday. She indicated there was interest in doing further analysis to find out whether the trends reported are true, and then exploring strategies to address the issues--particularly increasing proportion of Hispanics on welfare. Bruce, I know you already suggested some data issues to look into, but I wanted to make sure both of you knew there had also been discussion of possible initiatives. Maria mentioned that she had intended to talk with one of you about this first -- actually, I think she was a little surprised to walk into the weekly welfare reform meeting and find me (we hadn't met before) and people from the agencies. I'll talk to HHS about further analysis of trends, but want to get your guidance before pursuing possible initiatives further.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JUL-1998 19:57:59.00

SUBJECT: WTW Competitive Grants - Round 2

TO: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

TEXT:

Closing data for applications for 2nd round of competitive grants was last week. While we don't have precise numbers yet from DOL, they received more than 500 applications (roughly comparable to round 1). This indicates level of interest remains high. DOL is shooting for mid-late September to make awards. Amount of awards will be comparable to round 1 (\$186 million). DOL also mentioned that they now do not expect to have all state formula grants approved by August 5th (there'd been some hope they could announce the last states by the one-year anniversary of BBA and WTW enactment). It may take until September to work out issues with a few states.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 20:46:49.00

SUBJECT: revised press paper with insert

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D55]MAIL447330518.226 to ASCII,
The following is a HEX DUMP:

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**THE PRESIDENT COMMEMORATES SIGNING OF THE AMERICANS WITH DISABILITIES
ACT BY TAKING ACTIONS TO
TO INCREASE EMPLOYMENT AND IMPROVE HEALTH CARE FOR
PEOPLE WITH DISABILITIES
July 29, 1998**

Today, in commemoration of the eighth anniversary of the Americans with Disabilities Act (ADA), the President is signing an Executive Memorandum aimed at increasing employment and health care options for people with disabilities. He is also announcing his commitment to work with Senator Jeffords and Senator Kennedy to pass affordable, feasible legislation to help people with disabilities maintain their health care coverage and return to work. Today, the President:

Commemorated the Anniversary of the Americans With Disabilities Act (ADA). This landmark civil rights law makes it possible for millions of Americans to participate more fully in society and to do their part to make a stronger and better nation. The President has also significantly expanded health and other social services for people with disabilities. Since he took office, the Clinton Administration has approved hundreds of Medicaid home and community-based care waivers for people with disabilities; reauthorized the Individuals with Disabilities and Education Act; and created a new Task Force on Employment of People with Disabilities, chaired by Alexis Herman, Secretary of Labor and with Tony Coelho, serving as Vice Chair.

Signed A New Presidential Directive to Increase Employment and Health Care Options for People with Disabilities. While the ADA has been an extremely important law, significant challenges remain. Since 1993, 15 million new jobs have been created. But the unemployment rate among the 30 million working-age adults with disabilities continues to be significantly higher than that of the general population -- close to 75 percent for people with severe disabilities. The Task Force has already identified actions that the President can take immediately to reduce barriers to work. Today, the President is signing an Executive Memorandum that will direct the relevant agencies to:

- Expand Public Education About the Americans with Disabilities Act. Although more and more Americans are becoming aware of the ADA, too many people still do not know what the ADA offers and requires. Today, the President is directing the Attorney General, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to expand public education about the requirements of the Americans with Disabilities Act of 1990 to employers, employees, and others whose rights may be affected, with special attention to small businesses and under-served populations.
- Increase Information About New Medicaid Buy-in Option. Many people with disabilities are not able to leave Social Security programs to return to work because they will lose their health care coverage. As part of last year's Balanced Budget Act, the President first proposed and enacted a new option to provide Medicaid coverage for individuals with disabilities who, because of their earnings, would not qualify for Medicaid under current law. Today, the President is also directing the Secretary of the Department of Health and Human Services to inform Governors, state legislators, state

Medicaid Directors, consumer organizations about this important option.

Issued Letter That Clarifies That ADA's Obligates States to Offer Appropriate Community Based Services. A recent court case "Helen L. Vs. DiDario" found that, because of the ADA, states must provide Medicaid services in the "most integrated setting appropriate" to people with disabilities. The Justice Department similarly found that the ADA standard applies to the Medicaid program. Today, the Health Care Financing Administration (HCFA) is sending a letter all State Medicaid Directors clarifying that states must assure that individuals living in a facility have a choice to live the community if the right mix of support services enables them to do so. This includes, home health aide services, nursing services, medical equipment, and personal care services when offering such services does not fundamentally alter the state program.

Announce Support For Policies to Improve Health Options for Working Adults With Disabilities. The President also announced his strong commitment to work with Senator Kennedy, Senator Jeffords, and other Members of Congress, to pass affordable, feasible legislation that helps people with disabilities maintain their health care coverage and return to work. **First, last year's Balanced Budget Act included a provision to allow people with disabilities below 250 percent of poverty to buy into the Medicaid program. This legislation gives states the flexibility to eliminate the income, unearned income, and assets limits and gives states resources and grants for taking up the Medicaid return-to-work options. Second, this legislation also allows Americans receiving Social Security Disability Insurance to retain their Medicare when they return to work, eliminating a current law provision which often leads people with disabilities to have to choose between work and health insurance.**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lisa M. Jones (CN=Lisa M. Jones/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:28-JUL-1998 16:49:36.00

SUBJECT: Headsup Memo

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

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

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

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

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

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

TO: Daniel N. Mendelson (CN=Daniel N. Mendelson/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

TO: Sally Katzen (CN=Sally Katzen/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: Lawrence J. Stein (CN=Lawrence J. Stein/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

TEXT:

The memo was dated Friday, July 24th.

MEMORANDUM FOR ERSKINE BOWLES

THROUGH: Jack Lew

FROM: Donald R. Arbuckle

SUBJECT: FDA Final Rule on MedGuides

We are about to conclude review of a final FDA rule requiring the distribution of patient labeling (known as medication guides or MedGuides) for selected prescription drugs and biological products. The labeling is intended to provide patients necessary information so that they can use their medications more safely and effectively. FDA's proposed MedGuide rule, published in August of 1995, would have applied to all prescription drugs and biological products. However, following intense criticism from health professionals and industry officials, and legislation enacted by Congress which limited FDA's ability to regulate in this area, FDA has revised the rule to apply only to products that pose a serious and significant public health concern (only approximately 4-5 new products or product classes a year).

FDA believes that opposition to the rule will be minimal. Most health professionals have known that FDA was moving forward with the rule and have not provided significant feedback. FDA also has stated that Congress, at the time the MedGuide legislation was enacted, had agreed that this part of the rule could go forward.

Please let me know if you have any additional questions.

cc: Maria Echaveste
Rahm Emanuel
Larry Stein
Ron Klain
Thurgood Marshall, Jr.
Ann Lewis
Sally Katzen
Minyon Moore
John Podesta
Bruce Reed
Gene Sperling
Elena Kagan
Barry Toiv
Michael Waldman
Janet Yellen
Mickey Ibarra
Danny Mendelson

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JUL-1998 10:40:19.00

SUBJECT: Weekly Crime Meeting (note the time)

TO: Audrey Choi (CN=Audrey Choi/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Christopher S. Lehane (CN=Christopher S. Lehane/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TO: Satish Narayanan (CN=Satish Narayanan/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TO: Jon P. Jennings (CN=Jon P. Jennings/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: GALLEGOS_S (GALLEGOS_S @ A1 @ CD @ VAXGTWY [UNKNOWN])

READ:UNKNOWN

TO: Charles A. Blanchard (CN=Charles A. Blanchard/OU=ONDCP/O=EOP @ EOP [ONDCP])

READ:UNKNOWN

TO: Jennifer Brown (CN=Jennifer Brown/OU=ONDCP/O=EOP @ EOP [ONDCP])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Thomas D. Janenda (CN=Thomas D. Janenda/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Michelle Crisci (CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: James Boden (CN=James Boden/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

TO: David W. Beier (CN=David W. Beier/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Lisa M. Brown (CN=Lisa M. Brown/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TO: Trooper Sanders (CN=Trooper Sanders/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: NELSON_J (NELSON_J @ A1 @ CD @ LNWTWY [UNKNOWN])
READ:UNKNOWN

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

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

TO: Christine A. Stanek (CN=Christine A. Stanek/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

TO: Teresa L. Collins (CN=Teresa L. Collins/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

TEXT:

MEMORANDUM TO DISTRIBUTION LIST

FROM: Bruce Reed
Assistant to the President for Domestic Policy

SUBJECT: July 29, 1998 CRIME MEETING

On Wednesday, July 29, at 9:00 a.m. in Room 211 of the Old Executive Office Building, we will hold the weekly crime meeting.

Thank You.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 18:49:03.00

SUBJECT: crime meeting agenda

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

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

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

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

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

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

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D91]MAIL45991841B.226 to ASCII,
The following is a HEX DUMP:

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**Crime Meeting Agenda
July 29, 1998**

**Automated Records Management System
Hex-Dump Conversion**

Upcoming Events

- * 8/11 (tentative) Brady event
 - Brady reg
 - Brady fee issue
- * 8/22 (tentative) Early Warning Guide Radio address
- * 10/15 WH Conference on School Safety
 - Release first annual report on school safety

Pending Items

- * School safety
 - Early September release of COPS/Schools grants and plan
- * Teen drug testing/driver's licenses pilot

Legislative

- * Juvenile crime -- September Senate floor action possible
- * Appropriations
 - CJS -- Senate drug amendment
 - Treasury-Postal
 - Labor/HHS
- * Drugs

Miscellaneous

- * GAO -- directive on child safety locks
- * Other releases, DOJ report
- * HHS Household Survey
- * Follow up to Rendell meeting
- * Chicago VP drug event re-scheduled

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 15:16:07.00

SUBJECT: Correction: the MMWR data on price is coming out on Thursday not Wednesday

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Cynthia Dailard (CN=Cynthia Dailard/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

We're working with CDC and Treasury to get answers to your questions. The bottom line is that this study is in the range of those Treasury examined to develop its original estimate.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 19:22:44.00

SUBJECT: New Draft of Talking Points on Sexual Orientation Executive Order

TO: Elena Kagan (CN=Elena Kagan/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: Edward W. Correia (CN=Edward W. Correia/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: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Robert N. Weiner (CN=Robert N. Weiner/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Here is a new draft of the talking points that elaborates more on the affirmative action aspects and the enforcement aspect. Let me know if you have any changes. Thanks, Mary===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D21]MAIL48994841E.226 to ASCII,
The following is a HEX DUMP:

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EXECUTIVE ORDER ISSUED MAY 28, 1998
PROHIBITING DISCRIMINATION IN THE FEDERAL CIVILIAN
WORKFORCE BASED ON SEXUAL ORIENTATION

Background:

- Executive Order 13087 was issued on May 28, 1998. It amends an earlier executive order, Executive Order 11478. It restates the pre-existing policy of the Executive Branch of the Federal Government to prohibit discrimination based on sexual orientation in federal civilian employment.
- Representative Hefley of Colorado and others have indicated that they will attempt to amend an appropriations bill to prohibit the use of federal funds to implement, enforce or administer the Executive Order. The Administration opposes this effort.

What exactly does the Executive Order provide?

- The Executive Order will ensure that there is a uniform policy throughout the Federal Government's Executive Branch by adding sexual orientation to the list of categories (i.e. race, color, religion, sex, national origin, handicap, or age) for which discrimination is prohibited in hiring, firing and promotion in the civilian federal workforce, as provided for in Executive Order 11478.
- This policy is about basic fairness, not about "special rights."

Does this affect affirmative action policy or create special treatment for certain groups?

- **No. Executive Order 13087 does not authorize affirmative action based on sexual orientation. It does not allow preferential treatment. It does not require that agencies find out which of their employees are gay, or how many gay employees they have hired. There are not quota programs in place for federal civilian hiring, and Executive Order 13087 does not create one.**

Will this lead to collecting information regarding the sexual orientation of employees?

- **No. Executive Order 13087 does not authorize collecting or reporting information about the sexual orientation of employees. Currently, federal agencies report information regarding the race, disability, national origin and gender of employees, but not regarding other classifications included in Executive Order 11478, such as religion. Similarly, information will not be collected or reported regarding sexual orientation.**

Is this a new policy?

- No. It has always been the practice of this Administration to prohibit discrimination in employment based on sexual orientation in the civilian workforce, and most federal agencies and department have taken actions, such as the issuance of policy directives or memoranda from the agency heads, to memorialize that policy. The Executive Order states this policy uniformly and for the first time in an Executive Order of the President.
- Moreover, federal law has for a long time provided that discrimination in federal civilian employment based upon sexual orientation is a prohibited personnel practice if it is found that sexual orientation did not adversely affect the performance of the employee. [Title 5 of the U.S. Code, section 2302(b)(10) prohibits “discriminat[ion] for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others...”]
- As far back as 1980, OPM has issued its interpretation of existing federal law stating that “applicants and employees are to be protected against inquiries into, or actions based upon, non-job-related conduct, such as religious, community, or social affiliations, or sexual orientation.”

If this is not a new policy, why was an Executive Order necessary?

- The Executive Order states a uniform policy throughout the Executive Branch of the Federal Government.

What impact does this have on the uniformed military service?

- None. This order does not apply to the uniformed military service.

What, if any, enforcement rights are granted?

- This Executive Order states Administration policy but does not create any new enforcement rights. Those rights would be granted by legislation passed by the Congress, such as the Employment Non-Discrimination Act, H.R. 1858, which the President supports. The executive order does not create any rights to file a complaint alleging discrimination on the basis of sexual orientation with a court or with the EEOC. The order leaves intact the current procedures for dealing with such complaints. An employee who believes he or she has suffered adverse action may seek redress under procedures now available within each agency.

What is the authority for the President to issue this executive order?

- Presidents since George Washington have directed Executive Orders to their employees in the Executive Branch. In 1966, Congress specifically reinforced the President's Constitutional authority to "prescribe regulations for the conduct of employees in the executive branch." 5 U.S.C. § 7301. Presidents have frequently exercised that authority over the federal workforce, issuing scores of Executive Orders. This particular Order by President Clinton amends Executive Order 11478, issued in 1969 by President Nixon, barring federal employees from discriminating based on race, color, religion, sex, national origin, handicap or age. The same authority that supported that Order supports this one. President Reagan issued Executive Order 12564, requiring a drug-free federal workplace, and Executive Order 12353, governing charitable fundraising by federal employees. President Bush issued Executive Order 12674, setting forth principles of ethical conduct for government employees. It would be contradictory to contend that the President can regulate the ethical conduct of federal employees, that he can prescribe standards for fundraising and require drug testing, but cannot instruct federal employees to refrain from discriminating on the basis of sexual orientation.

What is the meaning of the phrase "sexual orientation?"

- **The President intends the term to have the common meaning stated in the Employment Non-Discrimination Act, "homosexuality, bisexuality, or heterosexuality." With regard to all these issues, as this is the President's order, the President's intent informs the meaning of the executive order. See Sea-Land Service, Inc. v. Interstate Commerce Commission, 738 F.2d 1311, 1314 (D.C. Cir. 1984) ("The 'law' at issue in this instance is an Executive Order promulgated by the President, and it is to his intent that we must turn for guidance . . .").**

Is this an attempt to legislate by executive order?

- This executive order does not amend Title VII or Executive Order 11246 or create new rights or remedies for discrimination based on sexual orientation. It is the role of Congress, and not the Executive Branch, to amend federal statutes.
- Unlike Title VII, which applies to employers generally, including private employers, Executive Order 13087 merely sets internal employment policy for the Executive Branch.

Would the executive order require federal contractors or state and local governments to hire gays?

- This executive order applies only to employees of the Executive branch; it does not apply to federal contractors, subcontractors or grant recipients, or to State and local governments. Federal contractors are not "employees" of the Federal government.

Is there public support for the Executive Order?

- Recent national polls by Newsweek and the Associated Press indicate that between 84-85% of Americans favor equal rights for gay people in the workplace.

Automated Records Management System
Hex-Dump Conversion

- The proposed federal legislation on this topic, the Employment Non-Discrimination Act, H.R. 1858 and S. 869, enjoys strong bipartisan support in the 105th Congress, with 33 Senator cosponsors and 159 House cosponsors. In addition, a majority of House Members and over two-thirds of the Senate have specifically indicated that sexual orientation was not a consideration in their own employment practices.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:28-JUL-1998 16:34:29.00

SUBJECT: Meeting on Wed at 10:30AM in Rm 260 Re: Wellstone Amendment

TO: Robert M. Shireman (CN=Robert M. Shireman/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

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

CC: Jack A. Smalligan (CN=Jack A. Smalligan/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

CC: Larry R. Matlack (CN=Larry R. Matlack/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

TEXT:

Barbara Chow would like to meet with you on Wed., July 29 at 10:30AM in Rm 260 to discuss the Wellstone Amendment. Please let me know if you can attend.

(Elena/Diana: I have checked your schedules with your assistants and this time works for you).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:28-JUL-1998 16:22:19.00

SUBJECT: LABOR Statement for the Record on HR 23 and S626, the Stop Sweatshops Act

TO: clrm (clrm @ doc.gov @ inet [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Robert G. Damus (CN=Robert G. Damus/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Lisa Zweig (CN=Lisa Zweig/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Sarah S. Lee (CN=Sarah S. Lee/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Sarah Rosen (CN=Sarah Rosen/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TO: Larry R. Matlack (CN=Larry R. Matlack/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: cla (cla @ sba.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO: US@2=TELEMAIL@5=JMD@7=Deborah@6=Clifton@mx@lngtwy (1=US@2=TELEMAIL@5=JMD@7=Deb

READ:UNKNOWN

TO: Broderick Johnson (CN=Broderick Johnson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO: Brian S. Mason (CN=Brian S. Mason/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: William P. Marshall (CN=William P. Marshall/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Janet R. Forsgren (CN=Janet R. Forsgren/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TEXT:

Total Pages: _____

LRM ID: MNB214
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, July 28, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative
Reference

OMB CONTACT: Melissa N. Benton
PHONE: (202)395-7887 FAX: (202)395-6148

SUBJECT: LABOR Statement for the Record on HR 23 and S626, the
Stop Sweatshops Act of 1997

DEADLINE: 5:30 p.m. Tuesday, July 28, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: The Department wants to release this statement tomorrow at a DC rally of UNITE (Union of Needletrades, Industrial and Textile Employees).

Note: H.R. 23 (Clay), a copy of which follows this LRM, is identical to S. 626.

DISTRIBUTION LIST

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Brian S. Mason
Robert G. Damus
Broderick Johnson
Tracey E. Thornton

Janet R. Forsgren

LRM ID: MNB214 SUBJECT: LABOR Statement for the Record on HR 23 and S626, the Stop Sweatshops Act of 1997

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Melissa N. Benton Phone: 395-7887 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

- _____ Concur
- _____ No Objection
- _____ No Comment
- _____ See proposed edits on pages _____
- _____ Other: _____
- _____ FAX RETURN of _____ pages, attached to this response sheet

The Department of Labor's Joint Liability Statement

Garment workers are some of the most vulnerable in today's workplace. News accounts abound of all too frequent exploitation and intimidation to work long hours in sweatshops without overtime compensation in unhealthy and unsafe work environments. In fact, some garment workers toil over machines for days and even weeks without any compensation. The problem is likely even more acute than reported because these workers are too frightened to speak publicly or complain to law enforcement agencies. At a March Congressional hearing, workers from some of New York City's

Chinatown garment factories only agreed to present their stories of abuse in the workplace with the promise of anonymity and behind partitions.

It is estimated that there are approximately 800,000 garment workers in the United States. Enforcement actions alone cannot bring the more than 20,000 contract sewing and cutting shops into compliance. The recent Department of Labor survey in Los Angeles found for the second time in two years that only 39 percent of the shops there are in compliance with labor laws. A similar survey in New York City last year found only 37 percent of the garment shops there in compliance.

In order to make progress in eliminating sweatshops in the extremely price-competitive garment industry in the U.S., it is essential to make all the players in the industry --the garment manufacturers, retailers, and their contractors -- everyone up and down the "food chain" -- responsible for compliance with labor laws.

As a matter of principle, the Department of Labor supports the approach taken by the proposed legislation to make every enterprise in this industry -- from top to bottom -- accept responsibility for ensuring that the industry's workers are paid at least the minimum wage, that they get the overtime pay they are due, and that their working conditions meet the standards required by law.

Last winter, had there been a law explicitly making manufacturers and retailers responsible for back wages, some 73 New York City garment workers at the Laura and Sarah Chinatown sweatshop who had not been regularly paid for months would likely have received more of their wages owed and much sooner.

We are pleased that the legislation has the support of 90 co-sponsors in the House of Representatives. This is a very positive indication of the level of support there is for eliminating sweatshops in this country.

Sweatshops should be relegated to the history books. They should not be a topic for our children to discuss in current events class.

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

TEXT:

HR 23 IH

105th CONGRESS

1st Session

H. R. 23

To amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

January 7, 1997

Mr. CLAY introduced the following bill; which was referred to the Committee

on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE- This Act may be cited as the 'Stop Sweatshops Act of 1997'.

(b) REFERENCE- Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The production of garments in violation of minimum labor standards burdens commerce and the free flow of goods in commerce by spreading and perpetuating labor conditions that undermine minimum living standards and by providing an unfair means of competition to the detriment of employers who comply with the law.

(2) The existence of working conditions detrimental to fair competition and the maintenance of minimum standards of living necessary for health, efficiency, and general well-being of workers are a continuing and growing problem in the domestic garment industry.

(3) The Congress concurs in the findings of the Comptroller General that most sweatshop employers violate the recordkeeping requirements of the Fair Labor Standards Act of 1938 and that the failure of such employers to maintain adequate records has and continues to adversely affect the ability of the Department of Labor to collect wages due to workers.

(4) The amendment of the Fair Labor Standards Act of 1938 to provide for legal responsibility on the part of manufacturers for compliance with such Act's wage and hour, child labor, and industrial homework provisions by contractors in the garment industry and to provide civil penalties for violations of that Act's recordkeeping requirements is necessary to promote fair competition and working conditions that are not detrimental to the maintenance of health, efficiency, and general well-being of workers in the garment industry.

SEC. 3. LEGAL RESPONSIBILITY FOR COMPLIANCE WITH WAGE AND HOUR PROVISIONS IN THE GARMENT INDUSTRY.

(a) AMENDMENT- The Fair Labor Standards Act of 1938 is amended by adding after section 14 the following:

LEGAL RESPONSIBILITY FOR COMPLIANCE IN THE GARMENT INDUSTRY WITH SECTIONS 6 AND 7

SEC. 14A. (a) Every manufacturer engaged in the garment industry who contracts to have garment manufacturing operations performed by another person as a contractor--

(1) shall be civilly liable, with respect to those garment manufacturing operations, to the same extent as the contractor for any violation by the contractor of section 6 (except for violations of subsection (d)) or 7, for any violation by the contractor of the provisions of section 11 regulating, restricting, or prohibiting industrial homework, and for violation by the contractor of section 12; and

(2) shall be subject to the same civil penalties assessed against the contractor for violations of such sections.

(b) For purposes of this section:

(1) The term 'garment industry' means the designing, cutting, sewing, dyeing, washing, finishing, assembling, pressing, or otherwise producing men's, women's, children's, or infants' apparel, including clothing, knit goods, hats, gloves, handbags, hosiery, ties, scarves, and belts, or a section or component of apparel, except for pre-manufactured items such as buttons, zippers, snaps, and studs, designed or intended to be worn by any individual which is to be sold or offered for sale.

(2) The term 'manufacturer' means any person who (A) contracts, directly or indirectly through an intermediary or otherwise, with a contractor to perform the cutting, sewing, dyeing, washing, finishing, assembling, pressing, or otherwise producing any men's, women's, children's, or infants' apparel, including clothing, knit goods, hats, gloves, handbags, hosiery, ties, scarves, and belts, or a section or component of apparel, except for pre-manufactured items such as buttons, zippers, snaps, and studs, designed or intended to be worn by any individual which is to be sold or offered for sale, including a retailer engaged in such activities, or (B) designs, cuts, sews, dyes, washes, finishes, assembles, presses, or otherwise produces or is responsible for the production of any men's, women's, children's, or infants' apparel, including clothing, knit goods, hats, gloves, handbags, hosiery, ties, scarves, and belts, or a section or component of apparel, except for pre-manufactured items such as buttons, zippers, snaps, and studs, designed or intended to be worn by any individual which is to be sold or offered for sale.

(3) The term 'contractor' means any person who contracts, directly or indirectly through an intermediary or otherwise, with a manufacturer to perform the cutting, sewing, dyeing, washing, finishing, assembling, pressing, or otherwise producing any men's, women's, children's, or infants' apparel, including clothing, knit goods, hats, gloves, handbags, hosiery, ties, scarves, and belts, or a section or component of apparel, except for pre-manufactured items such as buttons, zippers, snaps, and studs, designed or intended to be worn by any individual which is

to be sold or offered for sale.

`(4) The term `retailer' means any person engaged in the sale of apparel to the ultimate consumer for personal use.'.

(b) LIABILITY TO EMPLOYEES- Section 16 (29 U.S.C. 216) is amended--

(1) in subsection (b), by adding after the first sentence the following: `A manufacturer in the garment industry (as defined in section 14A(b)(2)) shall also be jointly and severally liable to such an employee to the same extent as the contractor in the garment industry (as defined in section 14A(b)(3)) who employed such employee if the contractor violated section 6 (other than subsection (d)) or 7 in the production of apparel or components of apparel for such manufacturer.';

(2) in subsection (b), by inserting in the last sentence `or by a manufacturer in the garment industry' after `by an employer'; and

(3) in subsection (c)--

(A) by striking `first sentence' and inserting `first or second sentences'; and

(B) by inserting `or by a manufacturer in the garment industry' after `liable'.

SEC. 4. RECORDKEEPING.

Section 16(e) (29 U.S.C. 216(e)) is amended by adding after the first sentence the following: `Any person who fails to establish, maintain, and preserve payroll records as required under section 11(c) shall be subject to a civil penalty of not to exceed \$1000 for each employee who was the subject of such a violation. The Secretary may, in the Secretary's discretion, compute civil penalties under this subsection for each pay period for willful violations. Any person who submits fraudulent payroll records to the agencies enforcing this Act in any of its investigations or hearings or as evidence in a court action, which records conceal the actual hours of labor worked by employees or the violation of section 6, 7, 11(d), or 12 shall be subject to a civil penalty of \$10,000 per act of fraud and \$15,000 per act of fraud for a second offense.

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect upon the expiration of 30 days from the date of its enactment.

END

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 19:35:33.00

SUBJECT: Re: Follow up on NYT Story re: Minorities on Welfare

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

TO: Andrea Kane (CN=Andrea Kane/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

TEXT:

Elena -- remember that civil rights guidance HHS was trying to get us to clear? It might come up in this context. HHS had a counter-suggestion to your language... here's the text of the last email Diana sent you on the subject. What do you think?

HHS had a counter-suggestion to our suggestion. Actually, I'm not sure it's so bad. HHS's concern about our suggested language was that it appeared too much to invite racially neutral criteria with a disproportionate impact. But their new effort is more positive than their old. I think it's OK, although maybe I'm just getting tired. Is this OK with everyone?

Intro:

The Act imposes a 5-year limit on receipt of TANF benefits. However, a state may allow hardship exemptions from the time limit for up to 20% of its caseload.

DPC Suggestion:

A racially neutral criterion that excludes a disproportionately greater number of minorities than non-minorities is permissible, so long as there is a substantial and legitimate justification for this criterion and there is no comparably effective alternative that excludes fewer minorities.

HHS Counter-Suggestion:

States should take care in establishing the criteria for allowing such exemptions particularly where racially neutral criteria exclude a disproportionately greater number of minorities than non-minorities. Neutral criteria that cause a significantly disproportionate exclusion are permissible, only so long as there is a substantial and legitimate justification for these criteria and there is no comparably effective alternative that excludes fewer minorities.

[For those who want to cast their minds back, here is HHS's original version that we didn't like, FYI.]

HHS Original Version:

States and counties may not use a racially neutral criterion that, nevertheless, excludes a disproportionately greater number of minorities

than non-minorities to determine who will be granted this exemption, unless there is a substantial and legitimate justification for this criterion. Even if there is such a justification, this criterion cannot be used if there is a comparably effective alternative to identify persons who qualify for this exemption that excludes fewer minorities.

Andrea Kane

07/28/98 06:46:03 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP

cc: Cynthia A. Rice/OPD/EOP

Subject: Follow up on NYT Story re: Minorities on Welfare

Just a heads up that Maria Echaveste dropped by our weekly welfare reform meeting to discuss follow up on Jason DeParle story. She said POTUS expressed concern about the issue to she and Gene before the social security event yesterday. She indicated there was interest in doing further analysis to find out whether the trends reported are true, and then exploring strategies to address the issues--particularly increasing proportion of Hispanics on welfare. Bruce, I know you already suggested some data issues to look into, but I wanted to make sure both of you knew there had also been discussion of possible initiatives. Maria mentioned that she had intended to talk with one of you about this first -- actually, I think she was a little surprised to walk into the weekly welfare reform meeting and find me (we hadn't met before) and people from the agencies. I'll talk to HHS about further analysis of trends, but want to get your guidance before pursuing possible initiatives further.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 18:48:41.00

SUBJECT: Grandmothers

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

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

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

TEXT:

According to todays NYTimes: "About 4 million children ...live in households headed by a grandparent, a 41 percent increase since 1992 ...Research by AARP attributes this rise mainly to high rates of substance abuse by parents; child abuse neglect, or abandonment...."

I think I remember that we were trying to get more information about custodial grandparents to explain problems with the Child Custoday/Locking Up Granny bill.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:28-JUL-1998 12:09:42.00

SUBJECT: Joe Camel returns?!

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

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

CC: Cynthia Dailard (CN=Cynthia Dailard/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

This commentary on the new Camel campaign ran in Advertising Age (I believe yesterday). Garfield appears to be their regular ad critic. I am checking to see how respected he is. But from this piece, it looks like an issue we should jump on asap.

Cigarette ads revive spirit of
Joe Camel

by Bob Garfield

Advertiser: R.J. Reynolds Tobacco Co.
Agency: Mezzina/Brown, New York
Ad Review rating: One Star

Mighty nasty.

Camel Lights from

be "Mighty tasty."

ing combination of

realize what they are up to,

is.

imagery, the brand that

industry with the

into juvenalia with a

The new slogan for Camel cigarettes and

Mezzina/Brown, New York, is supposed to

And it would seem to have a rather pleas

directness and playfulness--until you

which, of course, is the usual.

The usual trolling for adolescents, that

Having taken a stab at more adult

improved its market share and wrecked its

infamous Joe Camel cartoon is backsliding

smart-alecky campaign that trades on a

Joe Camel-like dose of

man running for his
incensed, geezerish
-barrel shotgun, and the young,
sucking on a post-coital Camel.
Fudd. The fleeing
guess who we're

unworldly, this ad trades on the
it takes a self-mocking
cliche. A prominent "Viewer
calls attention to: "SS.
Animal Nudity."

depicts the butler and the
home conspiratorially defiling
serving their mean employers,
callously ringing the service

poor vs. evil rich
"Titantic" such a hit with teen-age
on itself via the warning
Ringing. PA.

isn't as clever as it thinks it
is, however, is precisely the
the supposedly

practitioner of this strategy

attitude.

One of the spreads shows a handsome young
life from a shabby farmhouse, where the
farmer is chasing him with a double
blond farmer's daughter is in bed,
The farmer is old and dresses like Elmer
traveling salesman is young and buff, so
supposed to be rooting for?

On one level, for the shallow and
threadbare fantasy. But for extra credit
tone in discovery of its own inner
Discretion Advised" warning in the corner
Satisfied Smoking. FV. Farm Violence. AN.

Another ad has the same approach. It
babe-alicious maid in an aristocratic
the meal with a cigarette ash before
who are in the opulent dining room
bell.

The scenario plays off the insipid noble
class-hatred mentality that made
girls. But, once again, the ad comments
panel (IR. Idle Rich. ABR. Abusive Bell
Premeditated Ashing.)

This sort of postmodern self-reference
is, nor even all that amusing. What it
tack taken by many marketers to appeal to
media-wise younger generation.

How young?

Very young. For instance, the principal

viewer-discretion
and undercut the whole
um, just to name one:

attacks on authority? Is it
what?--it's teen-agers!
coincidence.

after being shamed into
with a sophisticated (and
at adults, and watching
ads using the psychology,
crowd.

Joe Camel, who seduced
And it's tempting to give
argues this campaign is aimed

shotgun, not a rifle, and the issue
intentionally--will be caught in the spray.
these ads' sly assault on
the benefit of any
hasty.

is Sprite.

Meantime, the whole idea of lampooning
advisories seems calculated to ridicule
class of authoritarian warnings--such as,
SMOKING CAUSES LUNG CANCER, HEART DISEASE,
EMPHYSEMA AND MAY COMPLICATE PREGNANCY.

Hmmm, let's see. Who most responds to
adults? No, not adults. Why--you know
For gosh sakes, it's probably just a

It's probably just a coincidence that,
retiring Joe Camel, and replacing him
quite magnificent) campaign aimed clearly
sales flatten, R.J. Reynolds is back with
sensibilities and iconography of the MTV

This stuff isn't as nakedly despicable as
not only teen-agers but small children.
RJR the benefit of the doubt when it
at over-21-year-olds.

But, once again, advertising is a
is who unavoidably--or
Considering the company's history, and
protectors of the commonweal, giving RJR
doubt would be, shall we say, mighty

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 20:44:52.00

SUBJECT:

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:

Issued Letter That Clarifies That ADA's Obligates States to Offer Appropriate Community Based Services. A recent court case *Helen L. Vs. DiDario* found that, because of the ADA, states must provide Medicaid services in the most integrated setting appropriate to people with disabilities. The Justice Department similarly found that the ADA standard applies to the Medicaid program. Today, the Health Care Financing Administration (HCFA) is sending a letter all State Medicaid Directors clarifying that states must assure that individuals living in a facility have a choice to live the community if the right mix of support services enables them to do so. This includes, home health aide services, nursing services, medical equipment, and personal care services when offering such services does not fundamentally alter the state program.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:28-JUL-1998 16:02:23.00

SUBJECT: Justice letter on Postal Reform Act (HR 22)

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

TO: Ronald L. Silberman (CN=Ronald L. Silberman/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

TO: Larry R. Matlack (CN=Larry R. Matlack/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

TO: Lisa B. Fairhall (CN=Lisa B. Fairhall/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Kate P. Donovan (CN=Kate P. Donovan/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

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

TO: Bruce K. Sasser (CN=Bruce K. Sasser/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Rodney G. Bent (CN=Rodney G. Bent/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

TO: Kenneth L. Schwartz (CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

CC: Janet R. Forsgren (CN=Janet R. Forsgren/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TEXT:

Justice is requesting clearance of their previously circulated letter on H.R. 22, the Postal Reform Act, without the second-to-last paragraph commenting on the bill's proposal to designate USTR as the U.S. representative at meetings of the Universal Postal Union. The letter was circulated on July 10 under LRM MNB201.

Please advise no later than COB today whether you have any objections to clearance of this letter. If I do not hear from you, I will assume you have no objection and will clear the document.

Please call (5-7887) if you have any comments or questions, or need a copy of the letter. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 09:31:10.00

SUBJECT: GOP could lose House majority if if focuses on moral issues

TO: Elizabeth Gore (CN=Elizabeth Gore/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

TO: Elena Kagan (CN=Elena Kagan/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: Charles E. Kieffer (CN=Charles E. Kieffer/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

TO: Martha Foley (CN=Martha Foley/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: Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Joshua Gotbaum (CN=Joshua Gotbaum/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

TEXT:

----- Forwarded by Richard Socarides/WHO/EOP on 07/28/98
09:30 AM -----

Doug.Case @ sdsu.edu
07/27/98 11:36:00 PM

Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides
cc:
Subject: GOP could lose House majority if if focuses on moral issues

(Expanded version of an earlier story)

ASSOCIATED PRESS, July 27, 1998

GOP Polls Voters on Issues

By LAWRENCE L. KNUTSON

WASHINGTON (AP) - The Republican Party could lose its House majority this fall if its candidates focus too closely on such moral issues as abortion and homosexuality, GOP moderates say, pointing to a new poll.

The party is likely to increase its margin in the House if candidates press Republican positions on the economy, education and crime, according to the poll released on Monday.

Commissioned by the Republican Leadership Council, the poll surveyed 800 likely voters in the 77 congressional districts where Republicans won or lost in 1996 by 10 percentage points or less. Conducted by the firm of Kieran Mahoney and Associates between July 17-20, the survey had a margin of error of plus or minus 3.5 percent.

It concluded that voters primarily concerned with moral issues are unlikely to desert the GOP even if those issues are not the centerpiece of campaigns.

Indeed, 82.7 percent of such voters say they will probably or definitely vote for the Republican candidate, the poll indicated.

Asked to choose overall, 36.9 percent of the people surveyed said they currently would vote for a Republican candidate, 35.6 percent said they would vote Democratic and 27.5 percent said they were undecided.

But the poll indicated that pluralities in the voting center - ticket splitters, moderates and independents - currently favor the Democratic candidate in their district.

When asked to name the issues they were most interested in, just 12.1 percent named moral issues, the survey said. But 40.5 percent named economic

issues such as taxes and 32.4 percent cited social issues such as education, health care and the environment.

"If the Republican party addressed these issues they would not only keep their base unified, they would attract large numbers of Democrats, ticket splitters, independents and moderates and expand their congressional majority," the poll concluded.

It said 57.9 percent of poll respondents opposed legislating a moral agenda, with 58.2 percent of registered Republicans opposing a litmus test requiring all GOP candidates to oppose certain late-term abortions before receiving party support.

"If Republicans focus on moral issues there is a real chance we will lose the House of Representatives," poll taker Mahoney told reporters.

Separately on Monday, the chairman of the Republican Senatorial Campaign Committee said GOP candidates plan to focus on local issues rather than sweeping national themes.

"The fall election is likely to be an issueless election," said Sen. Mitch McConnell of Kentucky. "The challenge for us is to help our candidates custom-craft campaigns to meet the conditions in their states and their particular opponents."

Wishful thinking, Democrats scoff. President Clinton has accused congressional Republicans of accomplishing little this election year while stymieing bills on tobacco and campaign finance reform.

"Republicans want to have an issueless campaign because they have no real answers on the issues voters care about, like education, Social Security and HMO reform," said Dan Sallick, spokesman for the Democratic Congressional Campaign Committee.

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131) id <01IZWU2FSMJ400AC6U@PMDF.EOP.GOV>; Mon, 27 Jul 1998 22:42:22 EDT

Received: from Storm.EOP.GOV by PMDF.EOP.GOV (PMDF V5.1-9 #29131) with ESMTMP id <01IZWU2BCOFK00A115@PMDF.EOP.GOV>; Mon, 27 Jul 1998 22:42:16 -0400 (EDT)

Received: from mail.sdsu.edu ([130.191.25.1])

by STORM.EOP.GOV (PMDF V5.1-10 #29131)
with ESMTTP id <01IZWU1RJA6M0003X5@STORM.EOP.GOV>; Mon,
27 Jul 1998 22:41:47 -0400 (EDT)
Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.7/8.8.7) with ESMTTP id TAA20971; Mon,
27 Jul 1998 19:36:19 -0700 (PDT)
X-Sender: dcase@mail.sdsu.edu
===== END ATTACHMENT 1 =====

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Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Christopher Edley to Elena Kagan and Sidney Blumenthal. Subject: health (1 page)	07/28/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[07/27/1998 - 07/28/1998]

2009-1006-F
ke750

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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- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- 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]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

July 28, 1998

AMERICANS WITH DISABILITIES ACT ANNIVERSARY EVENT

DATE: July 29, 1998
LOCATION: Roosevelt Room
TIME: 1:15-1:30 pm
FROM: Minyon Moore, Bruce Reed, and Gene Sperling

I. PURPOSE

To sign an Executive Memorandum directing federal agencies to increase public outreach and education about important requirements within the Americans with Disabilities Act and the Medicaid buy-in option within the Balanced Budget Act of 1997. This event is also an opportunity to commemorate the 8th anniversary of the historic Americans with Disabilities Act, which was signed into law on July 26, 1990, and to further your commitment to the Task Force on Employment of Adults with Disabilities that you created this spring.

II. BACKGROUND

While the Americans with Disabilities Act makes it possible for millions of Americans to participate more fully in society and to do their part to create a stronger and better nation, the unemployment rate among the 30 million working-age adults with disabilities continues to be significantly higher than that of the general population. That is why on March 13, 1998, you signed an executive order establishing the Task Force on Employment of People with Disabilities. With Secretary Herman serving as Chair and Tony Coelho serving as Vice-Chair, the Task Force is charged with recommending policies to help increase the employment rate of adults with disabilities. Next November, the Task Force will issue its first formal report. However, it has already identified actions that you will take by issuing an Executive Memorandum at this event to immediately begin to reduce barriers to work.

You will sign an Executive Memorandum directing relevant agencies to take appropriate actions to expand public education and outreach about regulations within the ADA and the Medicaid buy-in option within the Balanced Budget Act of 1997. Specifically, you will:

- Direct the Attorney General, the Chair of the Equal Employment Opportunity Commission, and the Administrator of the Small Business Administration to expand public education about the requirements of the Americans with Disabilities Act of 1990 to employers, employees, and others whose rights may be affected. In particular, you are asking them to focus their attention to reaching small businesses and under-served populations.
- Direct the Secretary Shalala to inform Governors, State Legislators, State Medicaid Directors, consumer organizations, and others about the new Medicaid buy-in option enacted as part of the Balanced Budget Act of 1997. This new option provides Medicaid coverage for individuals with disabilities who, because of their earnings, would not qualify for Medicaid under current law.

You will also be announcing your strong commitment to working with Senator Kennedy and Senator Jeffords to pass affordable feasible legislation that helps people with disabilities maintain their health care coverage and return to work. **First, this legislation would extend Medicare for people with disabilities who return to work, eliminating a current law provision which often leads people with disabilities to have to choose between work and health insurance. Last year's Balanced Budget Act included a provision to allow people with disabilities below 250 percent of poverty to buy into the Medicaid program. This legislation eliminates the 250 percent income threshold and gives states resources and bonuses for taking up the Medicaid return to work option.**

III. PARTICIPANTS

PRE-BRIEF PARTICIPANTS

Minyon Moore
Bruce Reed
Diana Fortuna
Chris Jennings

EVENT PARTICIPANTS

YOU

Secretary Alexis Herman
Tony Coelho

*The audience will consist of approximately 40 Members of the Presidential Task Force on Employment of Adults with Disabilities and representatives from disability advocacy organizations.

IV. PRESS PLAN

Closed press.

V. SEQUENCE OF EVENTS

- * Prior to your arrival, Tony Coelho will deliver welcoming remarks and introduce Secretary Herman.
- * Secretary Herman will deliver remarks.
- * **YOU** will enter the room and deliver brief remarks.
- * **YOU** will sign the executive memorandum.
- * **YOU** will work a ropeline and then depart.

VI. REMARKS

Talking points to be provided by Speechwriting.

VII. ATTACHMENTS

- * List of attendees.

ADA ANNIVERSARY EVENT ATTENDEES

1. **Paul Marchand**, Director of Governmental Affairs for the ARC and Chair of the Consortium for Citizens with Disabilities
2. **James Brady**, President of the National Brain Injury Association
Mary Dixon (attendant)
3. **Gina McDonald**, President National Council on Independent Living
4. **John Kemp**, CEO Very Special Arts
5. **Justin Dart, Jr.**
Shinya Suganuma (Attendant)
6. **Paul Edwards**, President of American Council for the Blind
7. **Daniel Fisher**, President of National Empowerment Center
8. **Gordon Mansfiel**, CEO Paralyzed Veterans Association
9. **Alan Reich**, CEO National Organization on Disability
Mary Dolan (attendant)
10. **Linda Anthony**, President Pennsylvania Coalition of Citizens with Disabilities
11. **Jeanette Harvey**, CEO United Cerebral Palsy Association
12. **I. King Jordan**, President Gallaudet University
13. **Wade Henderson**, Executive Director Leadership Conference on Civil Rights
14. **Joseph Romer**, Executive Vice President of Public Affairs, National Easter Seals Society

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JUL-1998 15:17:15.00

SUBJECT: NGA Press Release on Welfare Reform's Second Year

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

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

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

TO: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:

Here's NGA Press Release. Looks positive. No mention of any specific policy issues, just a general call that "Congress and the president uphold the historic welfare agreement reached in 1996 and reject any cuts and reduced flexibility in welfare or Medicaid." They released 4 reports on welfare reform as well (see Summary of Publications below), the largest of which we did a weekly item on and HHS did a press release about.

<http://www.nga.org/Releases/PR-28July1998WelfareReform.htm>

Contact:

Becky Fleischauer

202/624-5364

GOVERNORS REFLECT ON WELFARE REFORM'S SECOND YEAR*

"Pace and Success Far Exceed Expectations of Proponents and Skeptics Alike"

Washington, D.C. □) Reflecting on the welfare law's second year, the nation's governors hailed the pace and initial success of welfare reform, declaring that it had "far exceeded expectations of proponents and skeptics alike." The governors warned that continued traction in this steady climb of progress depends on a solid federal-state partnership.

"The nation's governors ushered in a new era of responsibility and a new vision for achieving independence through work," said NGA Chairman Ohio Gov. George V. Voinovich and Vice Chairman Delaware Gov. Thomas R. Carper. "Governors played a key role in getting the welfare law passed, and we continue to demonstrate our leadership in making this law work. We urge in the strongest possible terms that Congress and the president uphold the historic welfare agreement reached in 1996 and reject any cuts and reduced flexibility in welfare or Medicaid. States have transformed welfare, lifting millions to independence and self-sufficiency. Governors hope and expect to continue this partnership, which is making our success possible."

Since the 1996 enactment of the welfare law and the new flexibility and innovation made possible in its Temporary Assistance for Needy Families (TANF) block grant, the number of individuals on welfare in the U.S. has dropped 27 percent. According to several reports governors released at a news conference today, the flexibility in the new law has unleashed a host of innovative approaches to help welfare recipients find jobs and succeed in their work.

A Race to the Top

America's governors are steering a welfare reform course toward work and independence that includes engaging communities and the private sector to help meet the challenges of moving people from welfare to work. Governors are providing assistance with transportation to expand access to work, and increased child care to support working families.

As caseloads decline, states are shifting spending from providing cash assistance to investing in the supports to fortify working families and fortify them for continued success on the job. Although nationwide caseloads decreased by nearly one third, overall state spending on welfare efforts has increased. States are spending significantly more on child care and services to help people find and keep a job. State spending for child care increased by more than 50 percent; spending on efforts to help welfare recipients succeed at work increased by more than 30 percent. This action refutes predictions of a "race to the bottom" among states.

Accessible, quality, child care and transportation are two pillars of work stability that are

fundamental to successful welfare reform. States are spearheading child care initiatives that provide affordable, accessible child care during various work shifts. At least 10 states are ensuring child care for all working poor families below a specified income level.

In addition, many jobs are not accessible by public transportation, particularly jobs in rural or suburban areas or jobs during nonstandard work hours. States are working with state and local transportation agencies to redesign public transportation routes and schedules to better accommodate reverse commutes and alternate work schedules. States are also using the flexibility provided under TANF for a variety of innovations, such as contracting for shuttles or buses; providing loans to families to purchase used cars; and training recipients to operate their own shuttle companies.

The flexibility of the two-year-old welfare law is allowing states to change the way they do business. More than ever, governors are focusing on results in pay-for-performance contracts with private and nonprofit organizations, in their relationships with local governments, and as they compete for the TANF bonus dollars that will be awarded based on job placement, retention, and earnings.

Taking Stock

The approaching two-year anniversary of the welfare reform law and the dramatic drop in welfare rolls have spurred states to research what happens to former welfare recipients when they leave welfare. Reductions in caseloads are not the only measure of success for governors—states also must look at the number of recipients and former recipients who are working, the types of jobs they are getting, and whether their families are better off.

Thirty-two states have efforts underway or plans to follow up on individuals leaving welfare to try to answer these questions. These studies will give governors an indication of how well welfare reforms are working and whether changes need to be made. Studies in nine states found that from 50 percent to 60 percent of recipients who leave welfare for work find jobs—generally paying between \$5.50 and \$7.00 an hour. Based on information gleaned from followup studies, governors are turning their attention to making sure that these individuals stay employed and move on to better jobs.

Increasingly, state welfare reform efforts are becoming part of a broader strategy to support

the working poor and make work more attractive than welfare. Eleven states have adopted their own earned income tax credits for low-wage workers.

States are also focusing on efforts to prevent dependence on welfare by providing alternatives to joining the welfare rolls. Under TANF, 22 states adopted programs that help people find jobs or provide the supports needed for individuals to work, such as child care, transportation, and medical care to help them avoid welfare. Some states provide lump sum cash payments to individuals that can be used for car repairs, paying rent to prevent eviction and homelessness, and purchasing tools or uniforms.

Sustaining the Momentum

When welfare recipients move into the workforce, they confront the challenges that many low-wage workers face. In the next phase of welfare reform, governors will be focusing on the "hard-to-place." As caseloads continue to decrease, a growing portion of those who remain on the rolls must overcome significant challenges if they are to succeed in the workplace. These include low basic skills, alcohol or substance abuse, chronic health problems, and learning disabilities. Time limits on benefits and stringent work requirements increase the urgency for states to find approaches that move these individuals into the workplace. States are tackling this challenge by developing more effective assessment tools, providing more intensive case management services, linking with a variety of public and nonprofit community service providers, and developing transitional work experience opportunities that combine work-based education and skills training. States are also focusing on noncustodial parents, helping them find work and training so they can better meet their child support obligations.

Although many recipients leave welfare for work, their tenure in the workplace is too often short-lived. Lack of understanding about workplace behavior, problems with child care and transportation, and the unstable nature of the low-skilled labor market all factor into job loss. Thus, a second major challenge for states is to help welfare recipients stay employed, build a work history, and advance to higher-skilled, better paying jobs. Job retention services such as extended case management, mentoring, easier access to supportive services, and work-based education and training to help people advance on the job, are increasingly on the menu of services for welfare recipients and former welfare

recipients.

"Governors are proving that welfare reform has sparked a race to the top, fueled by innovative state strategies designed to help welfare recipients find and keep jobs," said Govs. Voinovich and Carper. "Now, as we face some of the most difficult challenges in completing reforms to restore dignity through work and independence, we will intensify our efforts and galvanize the federal-state partnership that is supporting our success to date."

The governors' bipartisan welfare reform policy, forged at an NGA meeting in 1996, provided the catalyst for the passage of historic welfare reform legislation. When governors convene in Milwaukee, Wisconsin, next week for their 90th annual meeting, they will spotlight initiatives for improving services for children in working families.

□*END□*

SUMMARY OF PUBLICATIONS

<p>Career environment for work; helping welfare employment as a publication are available</p>	<p>Working Out of Poverty: Employment Retention and Advancement for Welfare Recipients</p> <p>This report covers understanding the changing recipients making the transition from welfare to recipients stay employed and increase their wages and advancement opportunities; and using transitional career development strategy. Copies of this at no charge by calling NGA at 202/624-5338.</p>
<p>Development, and Workers generated training and career This StateLine workers, promising state career</p>	<p>Strategies to Promote Education, Skill Career Advancement Opportunities for Low-Skilled</p> <p>The changing labor market and welfare system have considerable interest in developing work-based advancement opportunities for low-skilled workers. summarizes the labor market trends affecting these outlines new research findings, and highlights five and local programs to promote skill development and advancement.</p>

Welfare Reform

Preparing Youth for the Workforce under

significantly alter
of the youth
efforts to reduce
preparation and
initiatives should
recommended
components of

The advent of welfare reform in 1996 promised to
the safety net for some of the most at-risk segments
population. This StateLine suggests that state
welfare dependency should address the workforce
youth development needs of this population. State
also include specific programmatic elements that are
by the relevant research but that are not often
conventional youth programs.

Disabilities in a

Serving Welfare Recipients with Learning

"Work First" Environment

use to help
toward
reform. It defines a
identifying and assessing
to secure
functioning in the

This Issue Brief examines strategies that states can
welfare recipients with learning disabilities move
self-sufficiency within the context of welfare
learning disability; explains approaches to
undiagnosed learning disabilities; and suggests ways
accommodations for training, testing, and
workplace.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:28-JUL-1998 17:33:11.00

SUBJECT: Cloning next steps.

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:

I checked with Mike Friedman about FDA actions to support its April cloning jurisdiction statement. He is already exploring possible FDA next steps. He has a group looking at actions, such as writing to IRBs, professional societies, and individuals like Seed, to make certain FDA's requirements will be followed. He will let us know what he finds. Mike was also very confident in FDA's analysis of its cloning jurisdiction. He thought the Post's story questioning FDA's authority was flawed and easy to poke holes through.

One step we might take while we continue to monitor the Hill and while we see what Mike delivers, is to encourage our allies in the patient and biotech communities to remind Congressional leaders of their concerns with cloning legislation favored by many Rs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 11:14:15.00

SUBJECT: proposed EO

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

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

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

TEXT:

How did you all respond to this? didn't we do something re children--or was it just the order directing issuance of data re children? do I need to follow up here?

----- Forwarded by Maria Echaveste/WHO/EOP on 07/28/98
11:09 AM -----

Lynn G. Cutler
07/24/98 01:32:10 PM
Record Type: Record

To: Phillip Caplan/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: proposed EO

There are requests for an EO on children--Indian children, Asian children, other minority children. Some of us have been talking and while we agree that an initiative on children's health, education and other aspects of their lives is timely, we would like to do just one document. I would assume that you agree with this. My proposal is that we meet internally, come to a decision, and then work with the outside groups to ensure that the major needs are covered. Do you want to convene such a meeting--we could tell you who would need to be at the table from our side of the perspective. Let me know.

Message Copied

To: _____
Christopher C. Jennings/OPD/EOP
Mary L. Smith/OPD/EOP
Doris O. Matsui/WHO/EOP
Minyon Moore/WHO/EOP
Maria Echaveste/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-JUL-1998 14:32:36.00

SUBJECT: HHS Press Release on NGA welfare reform report

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

TEXT:

Here's the release we encouraged HHS to do. It's not the best written one I've seen.

HHS NEWS

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOR IMMEDIATE RELEASE
Tuesday, July 28, 1998
401-9215

Contact: Michael Kharfen
(202)

REPORT RECOMMENDS STATE WELFARE REFORM STRATEGIES

HHS Secretary Donna E. Shalala today joined the National Governors Association (NGA) in releasing a report providing recommendations and models to help states design welfare-to-work programs to emphasize jobs for welfare recipients that will last and pay more.

The report, "Working Out of Poverty: Employment Retention and Career Advancement for Welfare Recipients," prepared by the NGA Center for Best Practices with funding from HHS, examines some of the lessons learned from research and identifies promising state welfare-to-work strategies. For successful programs, the report concludes, states need to assess where jobs are available, work with employers on their needs for reliable workers, enhance job retention by securing support services for the new workers, and explore careers that offer wage advancement.

"The Clinton administration is committed to making welfare reform a success. We measure that success in large part by parents on welfare getting, keeping and earning more in jobs," said Secretary Shalala. "This report, prepared by the NGA at the request of HHS, offers strong principles and innovative programs that states are doing effectively now."

As many welfare recipients leave the rolls, a key challenge for states is ensuring that they have stable employment so they won't come back. States are likely to be most successful at promoting job retention and career advancement if they respond to both the needs of recipients and

employers, the report concludes. The report also outlines several approaches for states to consider to promote job retention among newly hired welfare recipients including: ongoing case management to help participants navigate the workplace, household problems, and the social service network; effective mentoring programs; supportive short-term payments or loans for 'emergency' situations that might otherwise lead to job loss and reliance on welfare; improved access to support services, such as child care, transportation, health care, and housing; and expanded use of federal and state earned income tax credits to make work pay. It also urges states to promote career advancement among welfare recipients by changing the design of government-sponsored job skill development programs to reflect a strong "Work First" orientation, improve the access to education and training outside of work, promote learning at the workplace, and help workers access career ladders.

"We know from HHS and NGA reports that states have started to make the investment in the critical supports for welfare reform to succeed, such as child care, transportation and on-the-job

- More -

- 2 -

training, and build partnerships with private employers, but more needs to be done," said Olivia A. Golden, HHS assistant secretary for children and families. "The greatest challenge for states is to help those parents with the hardest obstacles for employment to have the opportunity for self-sufficiency by using all available resources, such as the Department of Labor's Welfare to Work grants, Access to Jobs Initiative and state funds."

"This report offers creative strategies and promising programs that can help states compete for the new High Performance Bonus. This bonus to states that move more recipients into jobs, retain jobs and earn more will be awarded to the states for the first time this fall," added Golden.

In its new technical assistance role, HHS plans to provide more support to states with reports, conferences and other collaborative efforts to promote creative strategies and promising welfare-to-work programs. The report is available on the ACF web site: www.acf.dhhs.gov.

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Note HHS press releases are available on the World Wide Web at:
<http://www.hhs.gov>.

Michael Kharfen
HHS Administration for Children & Families
mkharfen@acf.dhhs.gov
<http://www.acf.dhhs.gov>

(202) 401-9215 phone
(202) 205-9688 fax

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michelle Peterson (CN=Michelle Peterson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-JUL-1998 13:45:19.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Elena -- Chuck told me that he spoke to you recently about my interest in working with you on the issue of school violence and said that I should contact you. I am very interested in the issue, and would be happy to help in any way possible. Please let me know what I should do.

--- Shelli 6-7804