

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 046 - FOLDER -010

[03/08/1999 - 03/09/1999]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	jmo@mcll.com to Elena Kagan re: Be Careful (2 pages)	03/08/1999	Personal Misfile
002. email	Laura Emmett to Elena Kagan re: fyi (1 page)	03/09/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[03/08/1999-03/09/1999]

2009-1006-F
bm100

RESTRICTION CODES

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

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

- 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]

- 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]

- 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.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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COLLECTION:

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2009-1006-F
bm100

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- 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: Kevin S. Moran (CN=Kevin S. Moran/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAR-1999 11:18:34.00

SUBJECT: Daily Report: Food for Thought

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

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

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

TO: Mindy E. Myers (CN=Mindy E. Myers/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: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

TO: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

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

TO: Scott R. Hynes (CN=Scott R. Hynes/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

TO: Lael Brainard (CN=Lael Brainard/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: Ilia V. Velez (CN=Ilia V. Velez/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TEXT:

Nicaragua boasts a unique cuisine. Typical meals consist of eggs or meat, beans and rice, salad (cabbage and tomatoes), tortillas and fruit in season. Most common of all Nicaraguan foods is gallo pinto, a blend of rice and beans, with cooking water from the beans added to color the rice. Other traditional dishes include bajo, a mix of beef, green and ripe plantains and yucca (cassava), and vigorón, yucca served with fried pork skins and coleslaw.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 12:12:51.00

SUBJECT: The DPC philosophy at work

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

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

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

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

TO: mike_cohen (mike_cohen @ ed.gov @ inet [UNKNOWN])
 READ:UNKNOWN

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

TEXT:

Not bad -- his recommended "compromise" is actually our position.

Monday, March 8,

1999

Washington Outlook

Both Parties Take Similar Paths as Nation Travels Road to
 Innovation

Throughout his presidency, Clinton has pursued a
 consistent strategy of
 identifying policy innovations that have sprouted in a few
 communities and then
 providing financial incentives for other states and cities
 to replicate them.

By RONALD BROWNSTEIN

It's never been considered as
 newsworthy as thong underwear
 or the fluctuations in Monica S. Lewinsky's
 sense of
 self-worth. But history is likely to see what
 the scandal slaves
 in the press have missed: that the late 1990s are
 a period of dynamic
 policy innovation in cities and states.
 Ideas such as community policing, charter
 schools, smaller class
 sizes in the early grades, an end to social
 promotion, insurance for
 children without health care, the conversion of
 welfare to a work
 program: All of these are advancing from coast to

coast.

ago, this modern
simultaneously. The
governors such as George
California's Gray
them sound

proper role of the
innovation.

between the two
the dispute likely to
legislative battle over

inverse relationship
that the best way to
rules and to give the
receive. That was
to convert the
gave states enormous
to do the

(which Clinton
into \$2.75 billion in
chose. This year, GOP
programs into an

intelligent, efficient
a principal
president and his

Washington that you should
concluded . . . that it is
should be making these

And just as in the Progressive Era a century
reform agenda is gaining ground in both parties
State of the State addresses of Republican
W. Bush in Texas largely echo the speeches of
Davis and other Democratic governors--and both of
much like President Clinton.

Where this consensus breaks down is on the
federal government in encouraging this wave of
Increasingly, the national domestic policy debate
parties is revolving around that question--with
come to its sharpest point this year in the
education.

On most domestic issues, Republicans posit an
between national and local activism. They argue
encourage local innovation is to roll back federal
states more control over the federal money they
the logic behind the GOP's successful push in 1996
federal welfare program into block grants that
freedom in allocating the money. Now the GOP wants
same on education.

Last year, Republicans advanced legislation
blocked) to convert 31 federal education programs
block grants that states could spend as they
senators are poised to bundle even more education
even larger block grant program.

"The true divide is over where does the most
manager reside," said Sen. Paul Coverdell (R-Ga.),
architect of the GOP's education agenda. "The
colleagues feel that . . . it is here in
decide what the priorities should be. We have
governors and . . . boards of education that
calls."

Clinton supporters reject that description of their aim. And indeed they have developed a more nuanced approach to encouraging local innovation that might be called flywheel federalism because it uses the vast mass of the federal government to accelerate promising trends already visible in the states.

Throughout his presidency, Clinton has pursued a consistent strategy of identifying policy innovations that have sprouted in a few communities and then providing financial incentives for other states and cities to replicate them. In a speech last month, Clinton opened a window to his thinking when he said: "Our laboratories of democracy [in the states] are great at inventing new ideas and testing them out . . . [but] we're not so good at spreading the best of these ideas around in a comprehensive and timely fashion."

In several areas, Clinton's flywheel federalism has clearly quickened the spread of good ideas. In the early 1990s, a few police departments had experimented with community policing. Now more than 11,000 policing agencies have committed to pursue the reform through Clinton's program to hire 100,000 new officers. Likewise, after a handful of pathfinder states instituted programs to cover uninsured children, Clinton won approval of a grant program to encourage the rest to follow. Now all but two states have implemented plans to provide health care to the children of the working poor. Similar results are evident on charter schools.

This same approach is apparent in Clinton's current proposal to help states reduce class sizes by hiring 100,000 new teachers. But his principal education initiative this year moves in a new direction. Rather than offering carrots, he is brandishing sticks by proposing that states be docked some of their federal education money unless they undertake a series of "accountability" reforms, including ending social promotion, toughening teacher testing and establishing policies to intervene in failing schools.

Though they generally support these ideas,

Republicans have mandated them. Yet, has left the GOP in give states money performance--an odd is emerging is to these reforms without not drive change fast it could leave the incentives after all of their other goals, reasonable compromise: local governments to the model Republicans to leverage local could be required to lose some federal Washington could tie months ahead, it will be ground. Both nal ends, from for students and governments should also on the broad dispute over whether way--or by devising local ideas.

reacted with outrage at the idea of Washington coupled with their support for block grants, that the position of arguing that Washington should without setting any objective standards for place for fiscal conservatives to be.

Among House Republicans, the alternative that provide states financial incentives to undertake mandating them. Clinton supporters say that will enough. But if the GOP coalesces around this plan, White House in the odd position of arguing against they have relied on carrots to advance virtually such as expanding community policing.

If both sides are interested, there is a using both penalties and bonuses to encourage institute these accountability reforms. That is applied in welfare reform. It could also be used reform in areas like transportation (where states demonstrate progress in reducing gridlock or else highway funds) and public housing (where funding to safety and upkeep).

As the partisan arguments escalate in the worth remembering the unspoken areas of common parties are now largely pursuing the same education ending social promotion to stiffening standards teachers. And both increasingly agree that local take the lead on reform, not only in education but array of domestic concerns. What is left is a Washington can help mostly by getting out of the national means to disseminate the most innovative

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan M. Young (CN=Jonathan M. Young/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAR-1999 12:21:50.00

SUBJECT: Thank you

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

Mary E. Cahill (CN=Mary E. Cahill/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

Victoria A. Lynch (CN=Victoria A. Lynch/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TEXT:

The information and context you provided about Ed-Flex is extremely valuable. I look forward to following-up with Tanya this afternoon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: MaryEllen C. McGuire (CN=MaryEllen C. McGuire/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAR-1999 12:35:08.00

SUBJECT: AmeriCorps Meeting

TO: Jennifer M. Palmieri (CN=Jennifer M. Palmieri/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: Tanya E. Martin (CN=Tanya E. Martin/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: Stacie Spector (CN=Stacie Spector/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: JGompert (JGompert @ cns.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

CC: TWest (TWest @ cns.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

CC: Carolyn T. Wu (CN=Carolyn T. Wu/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

There will be a meeting to discuss the AmeriCorps 5th Anniversary this Wednesday, March 10th at 4:00 in Room 100.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 13:10:07.00

SUBJECT: Re: Diversity in the Workforce Initiative

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

READ:UNKNOWN

TEXT:

No, hit the wrong key by accident. Although, certainly does sound like a policy working group.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Constance J. Bowers (CN=Constance J. Bowers/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 8-MAR-1999 13:33:16.00

SUBJECT: ED 800 Ed-Flex SAP w/ED Dept. edits

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

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

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

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

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

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

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

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

TEXT:

ED now reports that they support the SAP language below without any change. Please let me know if this language is acceptable. Thanks.
----- Forwarded by Constance J. Bowers/OMB/EOP on
03/08/99 01:32 PM -----

Constance J. Bowers

03/08/99 10:54:52 AM

Record Type: Record

To: Sandra Yamin/OMB/EOP@EOP, Barbara Chow/OMB/EOP@EOP
cc: Barry White/OMB/EOP@EOP, Janet R. Forsgren/OMB/EOP@EOP
Subject: ED 800 Ed-Flex SAP w/ED Dept. edits

Below is the pending version of the Ed-Flex SAP containing ED's proposed edits. I understand that ED and Barbara are discussing, in particular, the last paragraph referencing amendments to ensure funding for Title I funding is preserved to an acceptable level.

House Rules Committee
March , 1999

H.R. 800 - Education Flexibility Partnership Act of 1999
(Rep.Castle (R) DE and 59 cosponsors)

The Administration supports House passage of H.R. 800, which would expand the Ed-Flex demonstration authority to permit all States that meet the eligibility criteria to waive certain statutory and regulatory requirements of Federal education programs. The Administration has long supported the concept of expanding ed-flex demonstration authority in a manner that will promote high standards and accountability for results, coupled with increased flexibility for States and local school districts to achieve those results.

The Administration is pleased with the amendments made at Committee mark-up to sunset the bill upon reauthorization of the Elementary and Secondary Education Act of 1965 (to ensure consistency between that statute and Ed-Flex), to terminate local waivers if achievement levels decline, and to require public notice and comment before waivers are requested and granted.

The Administration strongly supports an amendment that is expected to be offered to H.R. 800 that would implement the President's proposal for a long-term extension of the one-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

The Administration also supports amendments designed to: (1) strengthen accountability provisions to ensure that the Ed-Flex program results in improved student achievement; and (2) ensure that Federal education dollars continue to reach the schools and students they were designed to serve.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 13:41:04.00

SUBJECT: VP statement today on class size

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

READ:UNKNOWN

TEXT:

----- Forwarded by Jonathan H. Schnur/OPD/EOP on 03/08/99
01:42 PM -----

Jonathan H. Schnur
03/08/99 01:39:28 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: VP statement today on class size

Attached is basically the statement on class size the VP made both during his livability event and at the top of his interview with the radio networks. It reflects some of the minor changes he made to the prepared statement.

2 questions:

- 1) Are you discussing the possibility of the VP going to the hill tomorrow morning on this? Another cloture vote will likely take place around 11am tomorrow.
- 2) Should we release this written statement to the press?

Message Sent

To:

Patricia M. Ewing/OVP
Christopher S. Lehane/OVP
Jodi R. Sakol/OVP
Ron Klain/OVP
Kay Casstevens/OVP

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D85]MAIL492534175.036 to ASCII,

The following is a HEX DUMP:

FF57504312050000010A0201000000020500000007D0B000000020000085550E80CF1467D2C98C2
65821AD2F35315E3553ADFE9CC75EE2861A5B2871B8BF98379EEBF4D55EDD6E143E0BC828DFFE2
176B048A33CE045AFEAC37E84BC5EED85D04A3F7B23944472A2B061633A2BA15174B1DF0422A62
4B3BF37AD052E9170EFADE592FA665CEAA367A50BCB5CAB00B77D01E701E47FEBE00F12AD3DB63
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0058020C00580229DC1B0000002300D4

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

STATEMENT BY VICE PRESIDENT GORE
March 8, 1999

Before we get started, I wanted to make a brief statement about a debate to take place on the Senate floor later today.

Senators Murray and Kennedy will offer a measure to fully fund our initiative to help communities hire 100,000 well-trained teachers over the next six years. Last year, President Clinton and I called for this initiative to help communities hire 100,000 teachers over seven years to reduce class size in the early grades to a national average of 18. We worked across party lines to enact an important down payment on this initiative -- \$1.2 billion to hire 30,000 teachers this year.

Now, Congress has the opportunity to build on this bipartisan progress. Unfortunately, some in Congress are trying to shut down debate before this measure can even be voted on.

I call on the Senate to allow an up or down vote on the Murray-Kennedy class size amendment, and I urge every senator to vote for it. Let's work together across party lines to make real progress on behalf of educating our nation's children and improving our public schools.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 13:57:04.00

SUBJECT: FYI. food guide and VP

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

READ:UNKNOWN

TEXT:

The VP and Tipper are planning on announcing a new USDA food pyramid for children 2-6 years old on March 25..

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kevin S. Moran (CN=Kevin S. Moran/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 8-MAR-1999 15:40:38.00

SUBJECT: Daily Report: How to stay healthy and happy

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

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

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

TO: Mindy E. Myers (CN=Mindy E. Myers/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: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

TO: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

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

TO: Scott R. Hynes (CN=Scott R. Hynes/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

TO: Lael Brainard (CN=Lael Brainard/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: Ilia V. Velez (CN=Ilia V. Velez/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TEXT:

Two crack White House staffers responded to this morning's Daily Report reminder with these pieces of wisdom:

On staying healthy:

"When writing about the food, don't forget to warn against drinking open beverages from vendors - many of whom water down drinks and fill empty bottles with excess - causing unsuspecting tourists to get Montezuma's Revenge."

On staying happy:

"I have little to add other than to remind you that Honduras, and to a growing extent Nicaragua, are making some of the finest cigars in the world. No better way for him to top off that meal."

Don't forget to turn your bullets in for the Daily Report by 4:00 pm.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 16:14:25.00

SUBJECT: Wine Labeling

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

READ:UNKNOWN

TEXT:

I guess we should do a process on wine labelling, right? Thurmond is supposedly holding up Treasury appointments, HHS and DOJ have a claim, and Leg Affairs (Feinstein) and VP will be interested as well.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 16:16:19.00

SUBJECT: Re: FYI. food guide and VP

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

READ:UNKNOWN

TEXT:

They are sending it over...I think it means the amount of pasta and
veggies, etc. a child should have is different from an adult's recommended
intake and they are putting that out in the form of a pyramid for kids
like the one they do for adults.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 16:17:55.00

SUBJECT: Draft SAP: House Ed Flex bill

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

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

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

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

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

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

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

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

TEXT:

The House Rules is expected to meet on H.R. 800, To Provide for Education Flexibility Partnerships, on Tuesday (3/9) at 1:00pm with floor action on Wednesday (3/10). We aim to release the SAP by tomorrow morning for Rules action. Please review the SAP and provide comments/clearance by 9:00am tomorrow. Thank you.

H.R. 800 - Education Flexibility Partnership Act of 1999
(Rep.Castle (R) DE and 59 cosponsors)

The Administration supports House passage of H.R. 800, which would expand the Ed-Flex demonstration authority to permit all States that meet the eligibility criteria to waive certain statutory and regulatory requirements of Federal education programs. The Administration has long supported the concept of expanding ed-flex demonstration authority in a manner that will promote high standards and accountability for results, coupled with increased flexibility for States and local school districts to achieve those results.

The Administration is pleased with the amendments made by the House Committee on Education and the Workforce to sunset the bill upon reauthorization of the Elementary and Secondary Education Act of 1965 (to ensure consistency between that statute and Ed-Flex), terminate local waivers if achievement levels decline, and require public notice and comment before waivers are requested and granted.

The Administration strongly supports an amendment that is expected to be offered to H.R. 800 that would implement the President's proposal for a

long-term extension of the one-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

The Administration also supports amendments designed to: (1) strengthen accountability provisions to ensure that the Ed-Flex program results in improved student achievement; and (2) ensure that Federal education dollars continue to reach the schools and students they were designed to serve.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This draft Statement of Administration Policy was developed by LRD (Connie Bowers) in consultation with the Department of Education (Riddle), and EIML (White/Mustain). It was also reviewed by DPC (Kagan/Schnur), OIRA (Chenok/Werfel), and BRCD (McAllister/Denduret).

OMB/LA Clearance:

BACKGROUND

The Education Flexibility Partnership Demonstration ("Ed-Flex") Act was enacted in 1994 as part of the Goals 2000: Educate America Act to test the idea of giving States authority to waive Federal statutory and regulatory requirements that impede the development and implementation of education reforms in the State. Originally limited to six States, this demonstration authority was extended to 12 States by the Omnibus Budget Reconciliation Act of 1996.

On March 3, 1999, Secretary Riley sent a letter to the House Committee on Education and the Workforce supporting the concept of expanding education flexibility, but supporting improvements that would provide greater accountability for results. The letter also strongly supported an amendment to extend, for six years, the current one-year authority to help school districts reduce class size in the early grades by hiring more teachers. The House Committee on Education and the Workforce ordered reported H.R. 800 on March 3, 1999. A similar bill, S. 280, is pending before the Senate.

SUMMARY OF H.R. 800

H.R. 800 would authorize the Secretary of Education to carry out an education flexibility program. Under the program, all States (as opposed to the 12 allowed in the current demonstration authority) could apply to waive for at least five years Federal statutory or regulatory requirements applicable to specified education improvement programs, if they demonstrate those requirements could hamper efforts to improve student achievement. To provide accountability, the bill would require States to adopt academic standards and provisions for holding schools accountable for student achievement. The bill would also: (1) require that States have authority to waive their own comparable requirements in addition to the Federal requirements; (2) remove Ed-Flex from the Goals 2000 statute; and (3) require a Title I plan (including approved content standards, performance measures, and assessments) to be in place for States to be

eligible for waivers.

OTHER CONSIDERATIONS

Congress is scheduled to work this year on the Elementary and Secondary Education Act (ESEA) reauthorization. The Administration is developing an ESEA reauthorization proposal that will contain accountability provisions to strengthen the ESEA and student achievement. By authorizing every State to waive rules, H.R. 800 as drafted could undermine an ESEA proposal that stresses accountability.

PAY-AS-YOU-GO SCORING

According to EIML (Mustain), H.R. 800 would not affect direct spending or receipts; therefore, it is not subject to the PAYGO provisions of the Omnibus Budget Reconciliation Act.

LEGISLATIVE REFERENCE DIVISION DRAFT

March 9, 1999 - 2:15 p.m.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 16:36:57.00

SUBJECT: class size/IDEA

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:

Two questions.

First, do you think it would make any sense to explore offering an amendment that would authorize full funding for class size and increased funding for IDEA? I am a little concerned that the Jeffords amendment could successfully recast the debate from whether to invest in education/class size to whether to fully fund the national commitment to special needs children before funding new initiatives like class size. I am also concerned that argument could get validated by local school districts --seems like there has been a successful effort to generate complaints around the country about the costs of special ed. I realize that a new amendment would raise questions about where this funding will come from in this and future years, but it could help refocus the debate back to where we want.

Second, Judd Gregg made a number of statements that were false or misleading about the Supreme Court decision on special education last week. Should we get something to help Kennedy, Murray the opportunity to rebut these? For example, Gregg said (incorrectly, i am nearly certain) that this decision meant that costs of medical care for kids with disabilities could no longer be covered by Medicaid --that now they needed to be covered by the local school districts. He also suggested the consequence of this decision will be "exponential" increases in costs to districts around the country;again, I think this is just not true. In 1991, the Office of Technology Assistance estimated that there are about 680-2000 students who needs ventilator assistance, and that 1000-6000 students requiring assistance of tracheotomy tubes. The National School Boards Association estimates that there are about 17,000 students with any type of need covered by this decision --many much less costly than this student's needs

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 17:34:19.00

SUBJECT: Hansen-Meehan tobacco menu bill

TO: johara (johara @ osophs.dhhs.gov [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TO: kburkel (kburkel @ os.dhhs.gov [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TEXT:

As you may have heard, Reps Hansen and Meehan plan to introduce their menu bill tomorrow. Their draft is currently being tweaked at leg counsel -- we should get it tonight (I have the older version if anyone wants it -- all of 3 1/2 pages). Here's what the bill does:

Permits the Secretary to waive recoupment if the State has filed with the Secretary a plan which outlines how it will spend at least 25 percent of each year's tobacco settlement efforts to:

Reduce tobacco use (including cessation, enforcement activities, community-based and school-based programs),

Fund tobacco research and surveillance

Fund statewide counteradvertising and

Assist in the economic development of farmers and their communities as they transition to a more broadly diversified economy

There's language requiring this spending to supplement, not supplant, current spending and for all efforts to take into account the needs of minority populations and high risk groups.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 17:35:21.00

SUBJECT: Re: White House statement on meehan/hansen bill

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: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

I will draft a potential statement and email it to you tonight. I assume you'll litigate this at the 8:30 meeting.

----- Forwarded by Cynthia A. Rice/OPD/EOP on 03/08/99
05:36 PM -----

Lisa M. Kountoupes
03/08/99 03:17:19 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: White House statement on meehan/hansen bill

As you probably know, Meehan and Hansen are planning to introduce their menu bill tomorrow, tuesday march 9. They would like to know if we are interested in putting out a statement supporting their effort. It is likely they will drop the bill in the mid afternoon.

Waxman is still working on his bill which would bring a large percentage of the money back under the control of the federal government (largely to finance a national anti smoking ad campaign), give a portion to the states with conditions, and put the rest into debt reduction or other uses. Waxman is not supportive of the Meehan effort.

Meehan's staff believes they will be able to get all of the cosponsors they had last year (almost 100, 16 republicans) with more republicans because the tax and lookback provisions are not in the bill. Meehan is planning to introduce the FDA legislative authority bill separately this week. Hansen is reportedly working with the leadership in the House to build a broader base of support.

Message Copied

To: _____

Elena Kagan/OPD/EOP
Cynthia A. Rice/OPD/EOP
Lawrence J. Stein/WHO/EOP
Caroline R. Fredrickson/WHO/EOP
Mindy E. Myers/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 18:18:56.00

SUBJECT: EdFlex statement

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

TEXT:

----- Forwarded by Bruce N. Reed/OPD/EOP on 03/08/99
06:20 PM -----

Amy Weiss

03/08/99 05:29:00 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Cathy R. Mays/OPD/EOP

Subject: EdFlex statement

Pls send the draft to Jason Schecter when it's ready. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 18:22:17.00

SUBJECT: New Draft of NAS report

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I will send over a new draft of the Food Safety Council's assessment of the NAS report. Apparently, at each subsequent draft, HHS is taking a harder stand to insert language to imply that we will not do a reorganization. Cliff Gabriel, who has been putting the agencies' edits in, is at an impasse now with HHS. The comments in question are bolded in the new draft. We should talk about this at our meeting on Thursday.

Republican Support For 100,000 New Teachers

On October 15, 1998, President Clinton and Congressional budget negotiators reached agreement on a spending bill for 1999. Among the programs included in that agreement was a \$1.1 billion investment to hire 100,000 teachers to reduce class sizes across America. Here is how Republican leaders described the 100,000 teachers legislation at the time.

Former Speaker Newt Gingrich:

- “We said the local school board would make the decision, no new federal bureaucracy, no new state bureaucracy, not a penny in the bill that was passed goes to pay for bureaucracy; all of it goes to the local school districts....” [The American Spectator, December, 1998]
- House Speaker Newt Gingrich, Georgia Republican, called it “a victory for the American people. There will be more teachers, and that is good for all Americans.” [Washington Times, 10/16/98]

House Majority Leader Dick Arney:

- Asked “what would [you] say are the key Republican achievements in this bill?” -- Arney responded:

...Well, I think, quite frankly, I'm very proud of what we did and the timeliness of it. We were very pleased to receive the President's request for more teachers, especially since he offered to provide a way to pay for them. And when the President's people were willing to work with us so that we could let the state and local communities take this money, make these decisions, manage the money, spend the money on teachers as they saw the need, whether it be for special education or for regular teaching, with a freedom of choice and management and control at the local level, we thought this was good for America and good for the schoolchildren. We were very excited to move forward on that. [The NewsHour with Jim Lehrer, 10/15/98]

Rep. Bill Goodling, R-Pa, Chairman of the House Education and the Workplace Committee

- “It is a huge win for local educators and parents who are fed up with Washington mandates, red tape and regulation.” [The San Francisco Examiner, 10/15/98]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 18:41:29.00

SUBJECT: revisions in daily report from Jon and Tanya

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:

Sorry about the change below! The addition is in bold, the deletion in brackets and italics. Elena, you may have already changed this. I have been paging people to try to get accurate info.

Today, the Senate resumed consideration of S.280 (Ed-Flex) and failed to get the 60 votes needed to approve a cloture motion ending debate on the Ed-Flex bill. Approval of the cloture motion would have prevented an up or down vote on the Murray-Kennedy class size amendment. Senator Lott has indicated that he will either set aside the bill or allow debate to continue with limited amendments, and another cloture vote is scheduled for tomorrow afternoon [morning]. Vice President Gore today made statements to the press calling on the Senate to allow an up-or-down vote on class size, and calling on the Senate to approve the Murray-Kennedy amendment. Meanwhile, Senator Jeffords plans to offer a second-degree amendment that would permit local school districts to choose whether to use FY 1999 class size appropriations for reducing class size or for special education. [to the class size measure rescind FY1999 class size appropriations and direct this funding into special education instead]. Republicans are attempting to recast the debate from whether to invest in education/class size to whether to fully fund a national commitment to special needs children before funding new initiatives like class size.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 19:30:16.00

SUBJECT: Charter school report

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

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

TO: Karin Kullman (CN=Karin Kullman/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:

Unless we ask the Education Department to hold it for a POTUS event, the Education Department is about to release the third-year of their national charter school study. I haven't seen the study yet, but it sounds like it doesn't break much new ground -- but it does contain updates from previous years on such issues as school size, reasons parents give for sending their kids to charter schools, reasons for starting schools, etc.

If the president is not going to an event on this, the Education Department wants to give an embargoed copy to Education Week tomorrow to be published next week during their national charter school conference in Denver.

Bruce and Elena, do you want Education to hold off on releasing the report? Karin, would there be an opportunity for a POTUS charter school event later this month? POTUS could visit a DC charter school and 1) release the report, 2) highlight the choice \$ in the FY2000 budget, and 3) perhaps announce the competition for the new funds won in the FY99 budget.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAR-1999 19:57:18.00

SUBJECT: Comp worth

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here's the changes in attendees for the Comp. Worth meeting-- sounds like Ray Fisher will come from DOJ. But Labor insists that Lee S. is the person designated by Herman not Kitty Higgins. Treasury wants David Wilcox, he wants to come but will be in Florida. His deputy knows the issue and is supposed to be able to speak authoritatively -- according to Karen Kornbluh. Kaplan hasn't told us who (with Sally out) will come.

DOJ: Ray Fisher, Associate Attorney General or Bill Lann

Lee

EEOC: Ida Castro, Chairwoman

Labor: Lee Satterfield, Chief of Staff

Sally Paxton, Solicitor's Office

SBA: Betsy Meyers, Associate Deputy Administrator for
Entrepreneurial Development

Treasury: David Wilcox Assist. Secty for Economic Policy

Commerce: Jon Orszag, Director, Office of Policy and Strategic
Planning

OPM: Leigh Shein, Chief of Staff

NEC: Kaplan to designate

OMB: Josh Gotbaum is on the Cental America trip and Barbara
Chow is attending

CEA: Becky Blank is out so Corky Reimers is attending

OPL: Jenny Lurie

Counsel: Eddie Correia

FLOTUS: Nicole R.

Leg. Affairs: Caroline Fredrickson

VP: David Brier

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kevin S. Moran (CN=Kevin S. Moran/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAR-1999 10:36:09.00

SUBJECT: DAILY REPORT: Honduras.com

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

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

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

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

TO: Mindy E. Myers (CN=Mindy E. Myers/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: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

TO: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TO: Janet B. Abrams (CN=Janet B. Abrams/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Scott R. Hynes (CN=Scott R. Hynes/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

TO: Lael Brainard (CN=Lael Brainard/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: Ilia V. Velez (CN=Ilia V. Velez/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

READ:UNKNOWN

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

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

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

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

TEXT:

Have a hankerin' for Honduran history? Try visiting www.honduras.com. This one-stop site, will provide you with a veritable bonanza of Honduran-related information. Try this, for example: have you ever wondered what those five blue stars arranged in an X pattern centered in the white band of the Honduran flag represent? It's no mystery -- they represent the members of the former Federal Republic of Central America - Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. But don't get so lost in the site's sea of knowledge that you forget to submit your updates for the President's Daily Report. Like yesterday, they're due today (3/9) at 4pm.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-MAR-1999 10:41:16.00

SUBJECT: Weekly Strategy Meeting

TO: Mike_Cohen (Mike_Cohen @ ed.gov@inet [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Lorrie McHugh (CN=Lorrie McHugh/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Shirley S. Sagawa (CN=Shirley S. Sagawa/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Lisa M. Towne (CN=Lisa M. Towne/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Vicky_Stroud (Vicky_Stroud @ ed.gov@inet [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Amy Weiss (CN=Amy Weiss/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Peter Rundlet (CN=Peter Rundlet/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Ilia V. Velez (CN=Ilia V. Velez/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

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

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

TEXT:

We will be having a weekly Education Strategy Meeting on Thursday, March 11, at 5:15 p.m. in Bruce Reed's office, 2 Floor/West Wing.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAR-1999 11:35:32.00

SUBJECT: Re: proposition 16

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

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

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

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

CC: Clara J. Shin (CN=Clara J. Shin/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

TEXT:

As you may have read, a district court struck down the NCAA's academic standards (at least the way they relied on the SAT) on the basis of the Title VI regulation, which prohibits policies that have a discriminatory impact unless there is an adequate justification and there is no equally effective less restrictive alternative. The United States is not a party but we could in theory file an amicus when it goes to the court of appeals. This is a difficult case, which will require some review. It raises the difficult question of when the civil rights laws should be used to overturn academic standards. At the moment, I believe our comment should only be that the Department of Justice is reviewing the opinion. Any thoughts?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-MAR-1999 13:09:43.00

SUBJECT: what we always suspected

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

TEXT:

Ex-Surgeon General Dr. C. Everett Koop "wants to raise" \$50M from investors for his self-named Web site -- www.drkoop.com. Koop, now 82 and a professor at Dartmouth, launched the consumer health care site in 7/98. It offers "a grab bag of consumer health programs," and the site claims to have more than 2.6M users. But drkoop.com Inc., based in Austin, TX, and previously called Empower Health, hasn't done so well: Last year, it lost \$17.7M on revenues of just \$43K according to company documents. That "may make this deal dangerous to your financial health, but it doesn't mean it won't fly." The company has the valuable name recognition of Dr. Koop, who was "the nation's most outspoken critic of cigarettes when he was the country's top doctor, and it comes at a time when investors are snapping up most anything related to the Internet." Donald Hackett, CEO of drkoop.com, Inc.: "What we are doing is putting into effect Dr. Koop's vision. He is motivated, as we all are, to change health care in America." Whatever happens, Koop "should do well." The company pays him 2% of its revenues under a royalty agreement that gives it exclusive rights to his name and image for five years, with an option to renew for three more years. According to the offering documents, drkoop.com paid Koop \$100K in salary last year, \$95K in lecture fees and another \$83K in fees as chairman of its board of directors. In addition, Koop -- who was one of a handful of founders of the company that bears his name -- owns 11% of the stock of drkoop.com, or just over 1M shares (Feldman, New York Daily News, 3/9). (Back to Contents)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-MAR-1999 13:41:45.00

SUBJECT: REQUEST FOR DOCUMENTS

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

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

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

TO: Neera Tanden (CN=Neera Tanden/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Todd A. Summers (CN=Todd A. Summers/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

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

TO: Jonathan H. Schnur (CN=Jonathan H. Schnur/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

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

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

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

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

TO: Jeanne Lambrew (CN=Jeanne Lambrew/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Jennifer Klein (Jennifer Klein [UNKNOWN])
READ:UNKNOWN

TO: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

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

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

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

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

READ:UNKNOWN

TO: Leanne A. Shimabukuro (Leanne A. Shimabukuro @ EOP @ LNGTWY [OPD])
READ:UNKNOWN

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

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

TO: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Cathy R. Mays (Cathy R. Mays @ EOP @ LNGTWY [OPD])
READ:UNKNOWN

TEXT:

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on
03/09/99 01:23 PM -----

Ashley L. Raines
03/09/99 12:25:54 PM
Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP
cc: Karl A. Racine/WHO/EOP
Subject: REQUEST FOR DOCUMENTS

Karl Racine in the Counsel's Office said DPC should respond to this request. Please forward it to your staff. Thanks.

----- Forwarded by Antoinette D. Marchette/WHO/EOP on
03/08/99 03:03 PM -----

PostMaster 03/05/99 05:26:29 PM

Record Type: Record

To: All WHO Users, All Staff
cc:
Subject: REQUEST FOR DOCUMENTS

MEMORANDUM TO: White House Office and Office of the Vice President
Staff

FROM: Cheryl D. Mills
Deputy Counsel to the President

SUBJECT: REQUEST FOR DOCUMENTS

We have received a request for records and materials relating to certain individuals and entities. Please conduct a thorough and complete search of all your records -- whether in hard copy, computer form, or any other form -- for the period January 1, 1995 to December 31, 1996, for any of the following material:

1. All materials reflecting, referring to, or relating to any meeting or meetings on or about November 15, 1995, in which the participants included, among others, the President, the Vice President, Harold Ickes, Jennifer O'Connor, or representatives of the AFL-CIO, and in which was discussed, among other topics, the AFL-CIO's plans for political contributions and other political activity in 1996.
2. All materials reflecting, referring to, or relating to any meeting or meetings on or about December 5, 1995, in which the participants included, among others, Harold Ickes and representatives of the AFL-CIO or the American Federation of State, County and Municipal Employees ("AFSCME"), and in which was discussed, among other topics, "Project +95" or "The +95 Project" and the AFL-CIO and/or AFSCME's plans for political and/or field activity in 1996.
3. All materials reflecting, referring to, or relating to any meeting or meetings, on or about December 7, 1995, in which the participants included, among others, Harold Ickes, Dick Morris, or representative of, or consultants to, the AFL-CIO or other labor organizations, and in which was discussed, among other topics, advertisements that were broadcast or proposed to be broadcast by the AFL-CIO and/or other labor organizations.
4. All materials or other information that reflect, refer to, or relate to any occasion on which the AFL-CIO or its representatives screened for, played for, or transmitted to the White House any communications made or proposed to be made by the AFL-CIO to any of its members or to the general public, that contained the name or names of any candidate(s) for Federal office in 1996, or that urged people to vote or to register to vote.
5. A memorandum dated January 31, 1996 from Joe Velasquez to Harold Ickes referring or relating to the United Steelworkers of America or its president, George Becker.
6. All memoranda, including drafts, dated on or about February 14, 1996 from Jennifer O'Connor to Harold Ickes concerning "labor."
7. All materials that reflect, refer to, or relate to communications between the White House and any individual identified as, or you know to be, an officer, employee, agent or vender of, consultant to, or otherwise acting on behalf of, the AFL-CIO regarding:
 - a. "Issue advocacy" advertisements or "electronic voter guide" advertisements to be run or broadcast by the AFL-CIO;
 - b. Communications by the AFL-CIO to any of its members, or to the general public, that contained the name or names of any candidate(s) for Federal office in 1996, or that urged people to vote, or to register to vote;
 - c. Any plans by the AFL-CIO to run, sponsor, make or engage in advertising, communication to any of its members or the general public;

d. Participation by the AFL-CIO, its affiliates or members in the Democratic National Committee's "coordinated campaign," or the "coordinated campaigns" of state Democratic party committees or any particular state Democratic party committee, in 1996; or

e. Any plans, projects, activities or needs of any political party committee or any candidate for Federal office in the 1995-96 election cycle.

8. All materials reflecting, referring to, or relating to any communication or meeting between the White House and AFL-CIO Political Director Steven Rosenthal during the time period October 15, 1995 to December 31, 1996 regarding any subject identified in parts "a" through "d" of question 7 above.

9. All materials reflecting, referring to or relating to any communication between the White House and any individual identified as, or you know to be, an officer, employee, agent, or vendor of, consultant to, or otherwise acting on behalf of DNC Services Corp./Democratic National Committee ("DNC") regarding any subject identified in parts "a" through "d" of question 7 above.

10. All materials reflecting, referring to or relating to any communications between the White House and any individual identified as, or you know to be, an officer, employee, agent, or vendor of, consultant to, or otherwise acting on behalf of the Clinton-Gore campaign regarding any subject identified in parts "a" through "d" of question 7 above.

11. All materials including, but not limited to, written notes, transcripts, invitations or other material, which reflect, refer to, or relate to the appearance of the Vice President of the United States before the AFL-CIO Executive Council in Bal Harbour, Florida in February 1995 and on or about February 19, 1996.

12. Any transcripts, audio or video recordings, written notes, transcripts, outlines or other documents (including, but not limited to, invitations of any other preliminary or preparatory materials) which reflect, refer to, or relate to, the remarks of the Vice President of the United States to the Special Convention of the AFL-CIO in Washington, D.C., on or about March 25, 1996.

Every employee is responsible for searching his or her own files and records to ensure a comprehensive search. Each office head of Assistant to the President must certify that his or her staff has done a complete and thorough search.

In addition, if you believe that files from your office that have been sent to the Office of Records Management may contain responsive information, please advise us so that we may ensure that all responsive documents have been located.

All Materials must be provided to Karl Racine (OEOB 479) by noon on Thursday, March 18, 1999.

If you have any questions or anticipate any difficulty in meeting this deadline, please call Karl Racine at 456-6285.

Message Sent

To:

Ashley L. Raines/OA/EOP

Douglas R. Matties/OA/EOP

Joyce A. Larkin/WHO/EOP

Brooks E. Scoville/WHO/EOP

Kelli R. McClure/WHO/EOP

John Dankowski/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul J. Weinstein Jr.@EOP@LNGTWY@LNGTWY (Paul J. Weinstein Jr.@EOP@LNGTWY@

CREATION DATE/TIME: 9-MAR-1999 13:47:47.00

SUBJECT: REQUEST FOR DOCUMENTS

TO: Sarah A. Bianchi@OVP@LNGTWY@LNGTWY (Sarah A. Bianchi@OVP@LNGTWY@LNGTWY [UNKNOW
READ:UNKNOWN

TO: J. Eric Gould@EOP@LNGTWY@LNGTWY (J. Eric Gould@EOP@LNGTWY@LNGTWY [OPD])
READ:UNKNOWN

TO: Neera Tanden@VAXGTWY@LNGTWY@LNGTWY (Neera Tanden@VAXGTWY@LNGTWY@LNGTWY [WHO]
READ:UNKNOWN

TO: Mary L. Smith@VAXGTWY@LNGTWY@LNGTWY (Mary L. Smith@VAXGTWY@LNGTWY@LNGTWY [OPD
READ:UNKNOWN

TO: Cynthia A. Rice@VAXGTWY@LNGTWY@LNGTWY (Cynthia A. Rice@VAXGTWY@LNGTWY@LNGTWY [
READ:UNKNOWN

TO: Nicole R. Rabner@VAXGTWY@LNGTWY@LNGTWY (Nicole R. Rabner@VAXGTWY@LNGTWY@LNGTWY
READ:UNKNOWN

TO: Jeanne Lambrew@VAXGTWY@LNGTWY@LNGTWY (Jeanne Lambrew@VAXGTWY@LNGTWY@LNGTWY [OP
READ:UNKNOWN

TO: Andrea Kane@VAXGTWY@LNGTWY@LNGTWY (Andrea Kane@VAXGTWY@LNGTWY@LNGTWY [OPD])
READ:UNKNOWN

TO: Christopher C. Jennings@VAXGTWY@LNGTWY@LNGTWY (Christopher C. Jennings@VAXGTWY@
READ:UNKNOWN

TO: Thomas L. Freedman@VAXGTWY@LNGTWY@LNGTWY (Thomas L. Freedman@VAXGTWY@LNGTWY@LNG
READ:UNKNOWN

TO: Leanne A. Shimabukuro@EOP (Leanne A. Shimabukuro@EOP [OPD])
READ:UNKNOWN

TO: Devorah R. Adler@EOP@LNGTWY@LNGTWY (Devorah R. Adler@EOP@LNGTWY@LNGTWY [OPD]
READ:UNKNOWN

TO: Irene Bueno@EOP@LNGTWY@LNGTWY (Irene Bueno@EOP@LNGTWY@LNGTWY [OPD])
READ:UNKNOWN

TO: Essence P. Washington@VAXGTWY@LNGTWY@LNGTWY (Essence P. Washington@VAXGTWY@LNGT
READ:UNKNOWN

TO: Todd A. Summers@VAXGTWY@LNGTWY@LNGTWY (Todd A. Summers@VAXGTWY@LNGTWY@LNGTWY [
READ:UNKNOWN

TO: Jonathan H. Schnur@VAXGTWY@LNGTWY@LNGTWY (Jonathan H. Schnur@VAXGTWY@LNGTWY@LNG
READ:UNKNOWN

TO: Bruce N. Reed@VAXGTWY@LNGTWY@LNGTWY (Bruce N. Reed@VAXGTWY@LNGTWY@LNGTWY [OPD
READ:UNKNOWN

TO: Tanya E. Martin@VAXGTWY@LNGTWY@LNGTWY (Tanya E. Martin@VAXGTWY@LNGTWY@LNGTWY [
READ:UNKNOWN

READ:UNKNOWN

TO: Jennifer Klein@VAXGTWY@LNGTWY@LNGTWY (Jennifer Klein@VAXGTWY@LNGTWY@LNGTWY [UN
READ:UNKNOWN

TO: Elena Kagan@VAXGTWY@LNGTWY@LNGTWY (Elena Kagan@VAXGTWY@LNGTWY@LNGTWY [OPD])
READ:UNKNOWN

TO: Jose Cerda III@VAXGTWY@LNGTWY@LNGTWY (Jose Cerda III@VAXGTWY@LNGTWY@LNGTWY [OP
READ:UNKNOWN

TO: Laura Emmett@VAXGTWY@LNGTWY@LNGTWY (Laura Emmett@VAXGTWY@LNGTWY@LNGTWY [WHO]
READ:UNKNOWN

TO: Cathy R. Mays@EOP (Cathy R. Mays@EOP [OPD])
READ:UNKNOWN

TEXT:
Message Creation Date was at 9-MAR-1999 13:40:00

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on
03/09/99
01:23 PM -----

Ashley L. Raines
03/09/99 12:25:54 PM
Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP
cc: Karl A. Racine/WHO/EOP
Subject: REQUEST FOR DOCUMENTS

Karl Racine in the Counsel's Office said DPC should respond to this
request.
Please forward it to your staff. Thanks.

----- Forwarded by Antoinette D. Marchette/WHO/EOP on
03/08/99
03:03 PM -----

PostMaster 03/05/99 05:26:29 PM

Record Type: Record

To: All WHO Users, All Staff
cc:
Subject: REQUEST FOR DOCUMENTS

MEMORANDUM TO: White House Office and Office of the Vice President Staff
FROM: Cheryl D. Mills
Deputy Counsel to the President

SUBJECT: REQUEST FOR DOCUMENTS

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If you have any questions or anticipate any difficulty in meeting this deadline, please call Karl Racine at 456-6285.

Message Sent

To: _____

Ashley L. Raines/OA/EOP
Douglas R. Matties/OA/EOP
Joyce A. Larkin/WHO/EOP
Brooks E. Scoville/WHO/EOP
Kelli R. McClure/WHO/EOP
John Dankowski/WHO/EOP

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Laura Emmett to Elena Kagan re: fyi (1 page)	03/09/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[03/08/1999-03/09/1999]

2009-1006-F
bm100

RESTRICTION CODES

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

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

- 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]

- 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]

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.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kevin S. Moran (CN=Kevin S. Moran/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAR-1999 15:52:31.00

SUBJECT: DAILY REPORT: Here, there and around the office

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

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

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

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

TO: Mindy E. Myers (CN=Mindy E. Myers/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: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

TO: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

TO: Janet B. Abrams (CN=Janet B. Abrams/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Scott R. Hynes (CN=Scott R. Hynes/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

TO: Lael Brainard (CN=Lael Brainard/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: Ilia V. Velez (CN=Ilia V. Velez/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

READ:UNKNOWN

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

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

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

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

TEXT:
IN WASHINGTON

Washington, DC
Sunrise: 6:29 am local time
Sunset: 6:09 pm local time
Current temp: 26°F
Snow
Wind: from the E at 5 mph
Relative humidity: 92%
Barometer: 30.18 inches

IN HONDURAS

Tegucigalpa, Honduras
Current temp: 79°F
Partly cloudy
Wind: from the E at 6 mph
Relative humidity: 47%
Barometer: 30.06 inches

IN THE OFFICE

CoS Office, West Wing
Daily Report Due: 4:00 pm local time
Current Attitude: anxiously waiting
Level of Business: somewhat quiet
Relative Sense of Humor: 92%
Good Things to Eat: many

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-MAR-1999 16:36:45.00

SUBJECT: Hatch to do Hate Crime Hearings

TO: Edward W. Correia (CN=Edward W. Correia/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

TEXT:

Hatch announced today he will do hearings in April on hate crimes. They're interested in working with us.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-MAR-1999 17:51:29.00

SUBJECT: Ed-Flex House Floor SAP

TO: Charles Konigsberg (CN=Charles Konigsberg/OU=OMB/O=EOP@EOP [OMB])
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: Jonathan H. Schnur (CN=Jonathan H. Schnur/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

TEXT:

As you know, we released the Rules SAP for the HR 800, the Ed-flex bill (copy at end of e-mail). Below is a copy of the rule that was just reported on the bill. Do you want to revise the SAP for floor action in order to reflect the reported rule? If not, I can reissue the Rules SAP without any changes to the text. Please advise - House floor action expected tomorrow.

FLOOR ACTION: MANAGERS: PRYCE/SLAUGHTER

Tuesday, March 9,

1999

H. RES. ____ [Report No. 106-____]

H.R. 800 - THE EDUCATION FLEXIBILITY PARTNERSHIP
ACT OF 1999

1. Modified open rule.

- 2. Waives clause 4(a) of Rule XIII (requiring a three-day layover of the committee report) against consideration of the bill.
- 3. Provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce.
- 4. Provides that the amendment process shall not exceed 5 hours.
- 5. Makes in order the Committee on Education and the Workforce amendment in the nature of a substitute now printed in the bill as an original bill for purpose of amendment, which shall be considered as read.
- 6. Makes in order only those amendments printed in the Congressional Record.
- 7. Provides that each amendment printed in the Congressional Record may be offered only by the Member who caused it to be printed or his designee, and each amendment shall be considered as read.
- 8. Allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote.
- 9. Provides for one motion to recommit with or without instructions.

RESOLUTION

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 800) to provide for education flexibility partnerships. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed 5 hours. It shall be in

order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment printed in the Record may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

HOUSE RULES SAP RELEASED 3/9:

H.R. 800 - Education Flexibility Partnership Act of 1999
(Rep.Castle (R) DE and 65 cosponsors)

The Administration supports House passage of H.R. 800, which would expand the Ed-Flex demonstration authority to permit all States that meet the eligibility criteria to waive certain statutory and regulatory requirements of Federal education programs. The Administration has long supported the concept of expanding ed-flex demonstration authority in a manner that will promote high standards and accountability for results, coupled with increased flexibility for States and local school districts to achieve those results.

The Administration is pleased with the amendments made by the House Committee on Education and the Workforce to sunset the bill upon reauthorization of the Elementary and Secondary Education Act of 1965 (to ensure consistency between that statute and Ed-Flex), terminate local waivers if achievement levels decline, and require public notice and comment before waivers are requested and granted.

The Administration strongly supports an amendment that is expected to be offered to H.R. 800 that would implement the President's proposal for a long-term extension of the one-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

* * * * *

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-MAR-1999 17:52:39.00

SUBJECT: holder

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Justice Dept. Eyes Racial Profiling

By Laurence Arnold
Associated Press Writer
Tuesday, March 9, 1999; 5:44 p.m. EST

WASHINGTON (AP) -- The Justice Department's No. 2 official assured black and Hispanic leaders from New Jersey on Tuesday that his agency is serious about investigating whether state troopers stop motorists on the basis of skin color.

Emphasizing the importance he gives the issue, Deputy Attorney General Eric Holder told the group he believes New Jersey troopers stopped him two decades ago because he is black.

New Jersey is one of several states where police have been accused of using ``racial profiling'' to determine which cars to stop. Similar accusations have popped up in Florida, Maryland, Connecticut and elsewhere along the Interstate 95 corridor.

Holder spent more than an hour behind closed doors with members of the New Jersey congressional delegation, the Black Ministers Council of New Jersey and the state Legislature's Black and Latino Legislative Caucus.

The New Jersey officials praised Holder but said they believe the Justice Department is taking too long with its inquiry.

``The answers that we wanted are still somewhat begging, because too much time has elapsed,'' said Sen. Frank Lautenberg, D-N.J. ``The first time that the Department of Justice was aware of this, definitely aware,

was way back in 1996. We are now in 1999 and we are still waiting for some action.''

The Rev. Reginald Jackson, director of the Black Ministers Council, said Holder promised at least a preliminary response ``in a matter of months, which is encouraging to us.''

``These things take time, and we want to make sure that we're being fair to both sides,''

Holder told reporters as he left the meeting. ``We go into this with an open mind. We don't presume there is in fact a problem. We're going to look at the data we have, talk to people who are involved in this, and then try to come up with an appropriate course of action.''

In the private meeting, Holder told of being pulled over by State Police in New Jersey when he was a Columbia University student in the 1970s, traveling between New York and Atlantic City and sporting an Afro hair style.

Police stopped him, he told reporters, even though ``I didn't think I was doing anything wrong.''

Later, Democratic Rep. Donald Payne, New Jersey's only black congressman, said he too has encountered racial profiling by his state's troopers.

``I fit the profile -- driving a new car, coming up from the South. I was stopped,''

he said.

Racial profiling is part of a larger question of how police treat minorities, Payne said, adding that it has become ``the number one topic of discussion'' among Congressional Black Caucus members.

State Police officials and Gov. Christie Whitman insist racial profiling is not an accepted practice among New Jersey troopers.

Still, Whitman fired State Police Superintendent Carl Williams on March 1 following published remarks in which he said minorities were responsible for most of the cocaine and marijuana traffic.

At a subcommittee hearing earlier Tuesday, Lautenberg

urged Attorney

General Janet Reno to appoint a task force on racial profiling.

Reno said her department ``is actively pursuing a review of the New Jersey

State Police and this issue. ... We want to do a thorough review and complete it as soon as possible.''

.....

COMPARABLE WORTH

Senator Tom Harkin and Rep. Eleanor Holmes Norton introduced bills to implement comparable worth in the last Congress (and these bills are expected to be reintroduced this year).

- The Congressional comparable worth proposals would prohibit employers from paying lower wages for jobs dominated by employees of a particular sex, race, or national origin than for jobs dominated by employees of the opposite sex or different race or national origin for work on “equivalent” jobs. Equivalent jobs would be defined as jobs that may be dissimilar, but whose requirements are equivalent when viewed as a composite of skills, effort, responsibility, and working conditions. The EEOC would establish criteria for determining whether jobs are dominated by employees of a particular sex, race or national origin. The bills also provide that no wage rates may be reduced in order to comply with comparable worth requirements.

ARGUMENTS FOR COMPARABLE WORTH LAW

- **There is a significant wage gap.** According to the Council of Economic Advisors, in 1997, the gap between men’s and women’s wages was approximately 75 percent. The most recent detailed longitudinal study found that in the late 1980s about one-third of the gender pay gap was explained by differences in the skills and experience that women bring to the labor market and about 28 percent was due to differences in industry, occupation, and union status among men and women. Accounting for these difference raised the female/male pay ratio in the late 1980s from about 72 percent to about 88 percent, leaving around 12 percent as an “unexplained” difference. While some of this gap is due to unequal wages paid for the same job, some of the difference is due to women in occupations predominated by women not being paid the same by men in equivalent jobs.
- **Comparable worth could increase wages.** The AFL-CIO recently issued a study that shows that America’s working families lose approximately \$200 billion of income annually to the wage gap -- an average loss of more than \$4,000 every year for each family, even after accounting for difference in education, age, location, and the number of hours worked. The study also showed that if married women were paid the same as comparable men, their family incomes would rise by nearly 6 percent, and their families’ poverty rates would fall from 2.1 percent to 0.8 percent.
- **Eight states have implemented comparable worth laws for state employees.** Eight states -- Connecticut, Iowa, Minnesota, Montana, New York, Oregon, Washington, and Wisconsin -- have enacted comparable worth laws covering state government employees. With the exception of Montana whose pay equity study found that there was “no significant gender bias,” the seven states that have implemented comparable worth expended only between 1 percent and 4 percent of their payroll budgets.
- **Comparable worth adjustments for state and local governments have resulted in payments.** Public employees in twenty states received collective bargaining related

equity adjustments during the 1980s. State employees in Michigan received \$21 million in comparable worth adjustments; in Pennsylvania, \$16 million; and in Washington, \$442 million. In the 1990's, state workers in Connecticut reached a \$22 million pay equity settlement that will give nearly half of that state's workforce and average of \$1,000 per year. In 1994, social workers in Los Angeles County won a 20 percent pay equity wage increase. Previously, there had been a 34 percent wage differential between the female-dominated social worker class and the male-dominated probation officer class, despite similarity of skills, responsibilities, and working conditions.

ARGUMENTS AGAINST COMPARABLE WORTH

- **Comparable worth policies could cause significant job losses.** Comparable worth job assessments are based on skills, effort, responsibility and working conditions required by the job without taking into account any of the traditional supply and demand factors. If the wages of child-care workers (which is dominated by women) were to be raised to be equivalent to a comparable job (e.g., mechanics, which is dominated by men), this would mean that wages would be increased above the market-clearing level and unemployment would result.
- **Comparable worth evaluations could cause substantial administrative costs -- and possibly extensive litigation.** The Harkin/Norton bills call for the EEOC to establish criteria for determining whether particular jobs meet the gender, race or ethnicity thresholds, but do not call for governmental classification of jobs. Assessments would be done by individual employers and comparisons would be made between jobs at a particular establishment. While this decentralized approach avoids direct government job ratings, it could lead to significant variation among establishments and to costly litigation challenging the criteria and scoring of jobs at particular establishments. While it could provide a job bonanza for human resource consultants, the resulting administrative costs could be a severe burden to many firms.
- **The accuracy of comparable worth job classifications is questionable.** A 1989 experimental study of comparable worth prepared for the Federal Reserve Bank of Kansas City had three commercial job evaluation firms rate the same 27 jobs in an actual company. The report concludes that scores provided by different job evaluators do not provide mutually consistent adjustments to existing pay scales.
- **Comparable worth is more invasive of private business decision-making than other Federal mandates.** For example, compared with the minimum wage which is uniform in its application and is relatively easy to administer, comparable worth would require more extensive record-keeping, incur greater administrative expenses, and affect wage levels and resource allocations without regard to productivity and other market conditions. As the American economy becomes more and more flexible, the rigid job classification framework of the Harkin/Norton bills would move us backwards -- against the tide toward more flexible job definitions, individual merit-based pay, and work teams.

- **Mandatory comparable worth experience in the United States -- which has been limited to public sector employment in a few states -- fails to establish a good model for a mandatory private sector program.** Governments generally use a traditional job-description based, administratively run system for determining wages. This makes it more feasible to implement a comparable worth system in government; however, both the private sector and reform-oriented government personnel systems are moving toward compensation-based regimes linked to individual worker performance. At least one study of public-sector comparable worth programs (Minnesota and San Jose, CA) found that women's wages increased slightly, but there was also a slight loss of employment in the form of reduced future jobs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sean P. Maloney (CN=Sean P. Maloney/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAR-1999 18:13:08.00

SUBJECT: The President's trip to AR & TX

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

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

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

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

TO: Beth A. Viola (CN=Beth A. Viola/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

TO: Michael V. Terrell (CN=Michael V. Terrell/OU=CEQ/O=EOP @ EOP [CEQ])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Aviva Steinberg (CN=Aviva Steinberg/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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TO: Linda L. Moore (CN=Linda L. Moore/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

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

READ:UNKNOWN

TO: Kirk T. Hanlin (CN=Kirk T. Hanlin/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Cynthia M. Jasso-Rotunno (CN=Cynthia M. Jasso-Rotunno/OU=WHO/O=EOP @ EOP [WHO])

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TO: Nancy V. Hernreich (CN=Nancy V. Hernreich/OU=WHO/O=EOP @ EOP [WHO])

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TO: Paul K. Engskov (CN=Paul K. Engskov/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Bridget T. Leininger (CN=Bridget T. Leininger/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

TO: Wesley P. Warren (CN=Wesley P. Warren/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

TO: George T. Frampton (CN=George T. Frampton/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

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

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

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

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

TO: Cecily C. Williams (CN=Cecily C. Williams/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Dorian V. Weaver (CN=Dorian V. Weaver/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Dan K. Rosenthal (CN=Dan K. Rosenthal/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Mary Morrison (CN=Mary Morrison/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Megan C. Moloney (CN=Megan C. Moloney/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Andrew J. Mayock (CN=Andrew J. Mayock/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Bruce R. Lindsey (CN=Bruce R. Lindsey/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Laura A. Graham (CN=Laura A. Graham/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Brenda B. Costello (CN=Brenda B. Costello/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Barbara A. Barclay (CN=Barbara A. Barclay/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

On Friday, March 12, 1999, the President will travel to Hope, Arkansas, to dedicate and tour the Clinton Birthplace and Visitors Center. He will later proceed to Texarkana, Texas, where he will attend a reception and dinner for Representative Max Sandlin and tape the radio address. On Saturday, the President will return to Arkansas and attend a DNC reception and state party dinner in Little Rock. The President will return to the White House on Sunday.

Deadlines for the President's trip book are as follows:

AR & TX Background Memos:

DUE THURS., MAR. 11, AT NOON

- Political Memos
- CEQ Hot Issues
- Cabinet Affairs Hot Issues
- Accomplishments

AR & TX Event Memos:

DUE THURS., MAR. 11, AT 6:00 P.M.

- Birthplace Dedication/Tour
- Sandlin Reception
- Sandlin Dinner
- Radio Address
- DNC Reception
- State Party Dinner

Please call or email me if you have any questions. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Amy Weiss (CN=Amy Weiss/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 9-MAR-1999 18:05:58.00

SUBJECT: Kasich

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Kasich said today that governors should have the flexibility to use left over welfare block money for special ed or other ed pgms or whatever they see fit. What shall I say?

4. CIVIL RIGHTS

Our goal is to maintain our leadership role in promoting civil rights and use advocacy opportunities to highlight crucial issues including attacking hate crimes and promoting equal pay for women. Hate crimes legislation and equal pay are each powerful examples of further steps the nation needs to take to make sure everyone enjoys the American dream, and both issues have strong public support. The Administration has had a high profile on civil rights issues including creating the President's Initiative on Race, proposing an Administration-wide budget for civil rights agencies, endorsing new hate crimes legislation, promoting equal pay for women, and winning important increases and reforms for the Equal Employment Opportunity Commission.

A. Hate Crime Legislation. Legislation to strengthen the ability of the Justice Department to prosecute hate crimes based on race and religion by removing needless jurisdictional requirements and giving the Department the power to prosecute hate crimes committed because of the victim's sexual orientation, gender, or disability.

I. Legislative Status: Senators Kennedy and Specter will reintroduce the bill this month. Senator Hatch has stated that he intends to hold hearings on the subject in April.

II. Presidential Actions:

A scheduling request has been submitted for the President to host a White House event with the bipartisan Senate and House co-sponsors of the bill, on the occasion of its re-introduction in Congress. MTV is prepared to release a poll on the day of the event relating to youth and hate crimes.

III. Republican Agenda: There has been Republican criticism that including women as a category in the bill would lead to federal intervention in all assaults against women. Recently, Senator Hatch has indicated that he will hold hearings on hate crimes legislation and is interested in working with us on legislation. Rep. Hyde has also expressed interest in working on legislation. Senators Specter and Gordon Smith have already signed on, and Senators Chafee and Jeffords may decide to do so.

IV. Timing and Strategy: Because of recent high profile crimes, hate crime issues are currently receiving a good deal of attention. March/April is likely to be an important period for debate over the issue due to on-going criminal proceedings in Alabama and Wyoming, as well as Senator Hatch's decision to hold hearings on the topic. In addition, Matt Shepard's mother plans to start a foundation, and she may well receive publicity over the next several months.

We are working closely with sponsoring members of Congress and interested groups to make sure that our legislation is consistently part of coverage of the hate crimes story. This month the legislation will be re-introduced with bi-partisan support. In early April, we are hopeful that the President will be able to hold an event or radio address on the topic which sets the focus for senate hearings. MTV has plans to publicize the story as well, and is planning a poll of youth attitudes towards hate crimes to be released in conjunction with our event. Following hearings, if we are able to gain bi-partisan support from Hyde and/or Hatch, the legislation would have some chance of passage. If not, presidential event(s) in April would still serve to highlight the Administration's strong position on this high profile issue.

B. Equal Pay. We have supported Senator Daschle's Paycheck Fairness Act, which would increase remedies available for women under the Equal Pay Act. We are also in the process of analyzing whether we could support (1) a strengthened version of the Daschle bill requiring greater disclosure of wage information by employers and (2) legislation sponsored by Senator Harkin on comparable worth.

I. Legislative Status: Senator Daschle's bill has 20 Democratic cosponsors, and Congresswoman DeLauro's equivalent bill, H. R. 541, has 34. Senator Harkin's comparable worth bill had eight cosponsors in the last Congress, while the House version garnered 64 cosponsors.

II. Presidential Actions:

A scheduling request is pending for the President to hold a roundtable event on fair pay on April 7.

III. Republican Agenda: Republicans probably will continue to oppose Senator Daschle's bill. If we support Senator Harkin's comparable worth bill, it might become a high-profile target for Republican attacks.

IV. Timing and Strategy: April 8th is designated "Equal Pay Day" and the President is tentatively scheduled to hold a roundtable event on the topic on April 7th. Following that event, our equal pay budget initiative for EEOC and Labor may receive some attention in congressional hearings, but it is unlikely to gain significant Republican support. When the agencies' budgets reach the House and Senate floor, the President will again be in a good position to publicly advocate for the initiative. The legislation we have endorsed (currently the Daschle bill) is unlikely to achieve passage. If we are able to identify a new formulation for equal pay legislation that can win broad support, fighting for a fair pay bill is an excellent issue that should be part of Administration packages on both economic issues and civil rights that we can

highlight in coming months.

6. FOOD SAFETY

A. *Congressional Action on Food Safety:*

Our major objective over the next several months will be to re-affirm the Administration's position as the leader in the fight for better regulation of food and place opponents in the spotlight for being against needed measures. We intend to highlight our pro-consumer position by supporting our food safety budget initiative, and pushing two legislative measures which will increase USDA's authority to regulate unsafe food production and provide better oversight of imported food.

I. Legislative Status: The food safety budget will be the subject of congressional hearings beginning in mid-March. The SAFER Meat and Poultry Act, which gives USDA the ability to recall products and impose civil fines, is included in the Senate Democratic Leadership package. Senator Harkin has the lead. Our bill to give FDA greater authority to halt food imports from countries that do not have adequate food safety inspection systems has been the subject of interest to Senator Collins, a key Committee chair. She has told the FDA that she would push for a compromise bill if the Administration agreed to support it.

We have not responded to her. If we agree, the bill could well pass. If we do not, the bill is unlikely to leave committee.

II. Presidential Actions:

-We are exploring events with new technologies in the food safety area that highlight the need for investments in prevention and surveillance. In addition, the July 4th radio address is an excellent opportunity to urge passage of our budget request and food safety legislation.

III. Republican Agenda: Republicans in the past have opposed new spending in this area and our legislation to give agencies greater authority. Last year we were able to obtain most of our requested initiative funding following a Senate floor battle. We will likely have a similar dispute this year. On the imported food legislation, Senator Collins has held hearings on the problem and will likely continue to work on the issue seeking a bipartisan compromise. Republicans have indicated that under the Administration bill they are worried that farmers in the U.S. will be faced with new regulations.

IV. Timing and Strategy:

For our budget measures, the most valuable time for a statement of Presidential support would be sometime close to the date of mark-up, perhaps in May or later. Our two legislative measures can be supported in tandem, perhaps along with our budget measure, as part of an Administration package of efforts on food safety. In the past, we have found holiday weekends, such as July 4th (see above), are good opportunities to speak for food safety. Senator Harkin is looking for an appropriate legislative vehicle to attach his SAFER bill. As he is uncertain what when such a vehicle is likely to appear on the floor, we should be prepared to quickly issue a statement of support and rally advocates in support of the bill.

March 9, 1999

MEMORANDUM FOR ELENA KAGAN

FROM: THOMAS FREEDMAN
MARY SMITH

SUBJECT: Equal Pay Data Collection

This memorandum describes several alternatives for improving collection of wage data by the federal government. Last year, the Administration endorsed Senator Daschle's bill which currently contains only a Sense of the Senate provision, recognizing that the Administration should look into ways to collect this data. A previous version of Daschle's bill contained a general provision that required employers to submit wage data to the EEOC, broken down by race, sex, and national origin, but this provision was removed at the Administration's request. Recently, however, Senator Daschle has made it clear that he intends to return some kind of data collection provision to his bill before Equal Pay Day on April 8 -- either what he previously included or some other recommendation from the Administration. This memorandum outlines how the federal government currently collects wage data, how it uses this data, and what efforts could be made to improve data collection.

I. Current Methods of Collecting Wage Data

There are three major uses of wage data: enforcement, technical assistance, and research. Both the Equal Employment Opportunity Commission (EEOC) and the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) currently collect data that is used for enforcement. The Bureau of Labor Statistics and the Bureau of the Census both collect data that is used for informational and research purposes, but not for enforcement.

A. EEOC

The EEOC currently collects annual data regarding the demographic breakdown of the workforces of private employers with 100 or more employees and of federal contractors with 50 or more employees on the EEO-1 form. However, the EEOC does not currently collect salary data with respect to private employers. (The EEOC does collect pay data from state and local governments through the EEO-4 form.) The EEOC uses the data on the EEO-1 form, after an individual claimant's charge is filed, to examine a company's practices. In addition, the EEOC uses this data to determine whether it will file a Commissioner's charge, a charge filed by the

EEOC, not by a private citizen.

After a charge is filed, the EEOC can investigate and obtain wage data from an individual employer. This data could then be used in litigation. However, by statute, the data on the EEO-1 is subject to privacy protections, and the EEOC cannot give this data to the public.

B. OFCCP

OFCCP currently collects wage data from contractors when they are performing a compliance review on-site. While OFCCP is on-site, they obtain detailed wage data on individual employees. OFCCP has taken this data off-site in some instances. They use this data to settle cases with contractors and ensure that contractors correct their pay policies. OFCCP also uses the EEO-1 form in helping to determine which contractors they will audit. Recently, OFCCP has requested wage data before venturing on-site, at the earlier stage of the audit called the "desk audit" phase. However, they are formally requesting OMB to allow them to do this for all cases.

C. BLS and Census

In general, BLS gathers data from employers and from households. In virtually every case the respondents contribute information voluntarily. BLS, in turn, pledges to maintain the confidentiality of all survey responses and the identity of survey respondents.

The household-based surveys are the principal source of data on earnings by demographic variables such as sex and race. The employer-based surveys do not gather wage data on a demographic basis. BLS believes that voluntary employer-based surveys are not useful vehicles for obtaining demographic information.

The Census also collects some wage data by household but not by employer.

New Wage Gap Report. As announced by the Vice President last year, BLS will soon be issuing a report on women's earnings. This report will provide greater detail than previous reports. The data will be culled from the Current Population Survey (the major household survey). BLS intends to publish figures on women's earnings by various characteristics, such as full-time and part-time status; union status; occupation; educational attainment; and marital status. This compendium of tables will be accompanied by a brief analytical text.

II. Possible New Methods of Collecting Wage Data

Below are listed some options for collecting wage data for enforcement, technical assistance, and informational purposes.

A. Wage Data for Enforcement and Technical Assistance

If data were collected for enforcement or technical assistance, either the EEOC or OFCCP should collect this data.

1. EEOC

The most likely way for the EEOC to collect this data would be to add back in a provision to Daschle's bill. The old version of Daschle's bill provided for the collection of pay information by the EEOC **from employers with 100 or more employees, analyzed by the race, sex, and national origin of the employees.** It was somewhat vague on exactly how the wage data would be collected. In particular, it did not specify that the data needs to be collected on the EEO-1 form, which is the form used by the EEOC to collect employment data.

Senator Harkin's bill also requires employers to submit wage data with respect to job category, sex, race, and national origin. Unlike Senator Daschle's bill which requires employers with 100 employees or more to submit this data, however, Senator Harkin's bill requires employers with 25 or more employees in the first two years and 15 or more employees in subsequent years to submit this data. Furthermore, under Harkin's bill, the EEOC is authorized to publish this data and may provide specific employer's reports to the public. This provision is very controversial. As noted above, Senator Daschle's bill had originally contained a requirement for greater collection of wage data, but the Administration felt this would draw a great deal of fire from Republicans and the business community and it was replaced with Sense of the Senate language that the President should increase the amount of information available on wage disparities.

The main concerns with collecting data on the EEO-1 form centered around opposition from the business community and Congress. The EEO-1 form has remained virtually unchanged for the past 30 years, despite its review every 3 years for OMB paperwork clearance (most recently in 1997). The nine occupational categories are so broad that each job category contains many individual jobs. As a result, many in the business community perceive the EEO-1 form as a waste of time and money. (OMB estimates that adding wage data would likely increase the compliance costs dramatically -- possibly by several hundred-fold -- although creating a supplement to the form or limiting it to a subset of the reporting universe could mitigate some of these costs.) Nonetheless, the EEOC believes that collecting wage data on the EEO-1 form would greatly improve its ability to target and prioritize discrimination cases. It also would assist the Department of Labor (DOL) in targeting its enforcement efforts and monitoring affirmative action programs.

There is consensus that any attempts to add wage data to the EEO-1 form will draw immediate fire from the Republicans and the business community. Indeed, any announcement of a process to determine the best way to gather this data would likely provoke a rider and risk the increase in funds requested for the EEOC in our FY2000 budget. **(The budget requests \$312 million for the EEOC -- \$33 million or 12 percent more than enacted in the 1999 budget. Almost one-third of the increase, or \$10 million, will be used for our Equal Pay Initiative. EEOC will advance outreach to businesses and employees to educate them**

about the legal requirements for paying equal wages, provide technical assistance, improve training for EEOC employees to better identify wage discrimination issues, and launch a public service announcement campaign to highlight the wage gap.)

We might consider adding in a more narrow provision to the Daschle bill such as a supplement to the EEO-1 form to send to a subset of businesses and/or federal contractors which would require employers to disclose data on experience, education, race, wages, and gender. This could be targeted on an industry basis. This data could be used for technical assistance and enforcement by both OFCCP and EEOC.

2. OFCCP

There are two basic methods by which OFCCP could collect wage data: (1) a Scheduling Request which is currently pending at OMB and (2) a new Affirmative Action Summary. The Scheduling Request at OMB proposes to collect detailed wage data (which identifies individual employees) by mail from the 5000 or so federal contractors that are scheduled for compliance reviews each year. (Incidentally, OFCCP has already requested and received this same data from some contractors without explicit OMB approval). While OFCCP currently is able to obtain this data on-site at a later stage of the review process, this pending request seeks to get detailed pay information on every single employee at a particular site by mail at the early "desk audit" stage of the process. This data would be permitted to be used for technical assistance and enforcement. The Department of Labor requested that the decision on this issue be extended by 90 days until May of this year.

The other option for OFCCP to collect wage data would be in a proposed Affirmative Action Summary (also known as 60-2). For several years, OFCCP has been authorized to issue a regulation that would allow them to collect summary information from all the approximately 200,000 federal contractors, including wage data, by mail. OFCCP informs us that this proposal currently is being reviewed by their Solicitor's Office. OFCCP believes the advantages of this proposal are two-fold: (1) OFCCP will be able to get some idea of how the entire universe of federal contractors, not only those scheduled for compliance reviews, are implementing the civil rights laws; and (2) every federal contractor, simply by being required to compile this data, will become more aware of how they can better implement the civil rights laws by paying equal wages and preventing discrimination.

Both of these options have received strong resistance from the business community and strong support from the women's groups. OMB, DPC, and the Women's Office have met with both contractors and the women's groups on the pending request at OMB. The business community believes that the request is overly burdensome because businesses do not keep in a readily available format the pay information that OFCCP is requesting. The business groups also do not believe that this is the most effective method for OFCCP to determine whether discrimination based on race, sex, and pay exists. They do not, however, have a better proposal, but OMB is setting up a meeting between the business groups and Labor to discuss further the issue. The women's groups, on the other hand, do not believe the pending request advances the

data collection issue at all. The women's groups believe that this request is merely a reaffirmation of existing OFCCP authority. In their minds, they believe that this request is separate and distinct from trying to come up with other ways to collect wage data.

As for the Affirmative Action Summary, even though the request has not even cleared Labor, the business community is already gearing up for a fight on this issue. While the women's groups believe this summary would be a powerful tool because it would reach every single contractor, it is clear that Labor will not have this proposal ready for April.

B. Wage Data for Informational Purposes

BLS and the Census Bureau would be the appropriate places to explore if we decide to collect more pay data for informational purposes. BLS does not allow matching of its data with the data gathered from enforcement or regulatory agencies, owing to the clear differences in the respective missions. The Census Bureau and BLS have research programs that allow approved researchers, under carefully structured conditions, to gain access to "microdata" (the basic responses provided by survey respondents) in order to produce new research on relevant economic or social issues.

However, BLS asserts, as a general matter, that it can be a very complex undertaking to add additional data to existing surveys or to expand the surveys' sample sizes. There are issues regarding cost and design that have to be taken into account while balancing the desire for new data with an attempt to maintain survey response rates and not add to respondent burden.

In addition, Treasury has suggested funding a grant for a third party academic study. They believe this would lead to useful information. We have asked them to draft a brief proposal for our meeting on March 10.

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1. EDUCATION

Our major objectives on education over the next few months will be to: 1) frame the education debate through the President's arguments that accountability, and targeted investments in class size, school construction, and after-school, must be national priorities; 2) keep Democrats united behind our accountability agenda; and 3) attack Republican efforts to regain credibility and broaden their appeal on education, such as Domenici's jumbo block grant and Coverdell's education savings accounts.

A. Education Accountability Act. Legislation to reauthorize the Elementary and Secondary Education Act which will require states and districts receiving federal funds to end social promotion, fix failing schools, end use of unqualified teachers, issue report cards, and institute discipline codes. Programs that are part of ESEA include Title I, After-School, Class Size (see below), Bilingual, Safe and Drug-Free, Technology, Charters, and Teacher Quality

I. Presidential Actions:

-- Announcement in late March or early April of bill transmittal, perhaps preceded by leaks on key unannounced components such as a new teacher quality initiative.

-- Release of Dept. of Education social promotions guide. The President would like to visit a school district that has ended social promotion. He could accompany Tony Blair who is visiting Chicago's schools before the NATO Summit in late April.

-- Release of Dept. of Education study on public school choice initiatives and the third year of a 4-year Education Department study on charter schools. The President would like to do an event at a charter school, and there are several charter schools in the District of Columbia he could visit.

-- Visit to a poor, rural school in Appalachia or the Delta.

-- Address to a state legislature.

-- Commencement at a teacher college.

II. Republican Agenda: ESEA is the centerpiece of the federal government's K-12 education policy. This is a top priority item for Republicans, who will seek to have ESEA reflect their key education initiatives --flexibility, block grants, and possibly vouchers.

III. Timing and Strategy. The administration plans to transmit its bill to Congress around the Easter recess. The reauthorization process is expected to run through much of 1999 and possibly into next year. The House has already started hearings on the bill. The Senate and House are expected to start mark-up this summer. Overall, we need to shape the debate around the need to hold states and districts accountable for the use of federal funds rather than around the Republican approach of providing large block grants with no accountability. We

need to enlist the support of key constituency groups, members of Congress and the public around our accountability platform by working to identify and diffuse concerns that could lead to opposition -- particularly around issues such as social promotion (of concern to civil rights groups and others), flexibility (Governors of both parties are concerned that our proposal will not provide them with adequate flexibility to carry out these initiative), bilingual education and the conversion of formula grants programs to competitive programs. Because timing will be driven by an unpredictable legislative process, our goal will be to sustain efforts to ensure that our accountability message is breaking through and to communicate with concerned groups around key issues.

B. Ed-Flex Demonstration Program. Legislation to expand Ed-Flex to give all 50 states authority to waive certain federal rules in exchange for showing results.

I. Presidential Actions:

-- See timing and strategy below

II. Republican Agenda: Republicans have made Ed-Flex expansion their number one priority. It will be the first education vote this session. Flexibility is a key theme of their education agenda, and they will claim passage as a victory unless Democrats succeed in passing a class size amendment (see below).

III. Timing and Strategy: This week the Ed-Flex bill is on the floor in the Senate and under consideration in the House Education and Workforce Committee. The President has indicated that he will sign an Ed-Flex bill that has strengthened accountability to better link the waivers to student performance. If not approved this week, we will continue to work across party lines to enact this measure, along with other key initiatives like class size.

C. Class Size. Legislation to authorize \$11.4 billion more over six years to complete the hiring 100,000 teachers and reduce class size in the early grades to the national average of 18. (We will still also need to appropriate \$1.4 billion in FY 2000).

I. Presidential Actions:

-- *Completed:* March 6th radio address to release Dept of Education Class Size program guidance, and challenge Senate to adopt Murray-Kennedy amendment.

-- *Completed:* Release of local allocations for Class Size program.

II. Republican Agenda: This is not a program Republicans love, but they funded it in the last appropriations bill and are thus on record in support. Republicans would prefer to make class size an allowable use of a block grant proposal. Republicans are also attempting to recast this debate from the need for class size funding to one of whether to permit local school districts to use this funding for special education (see IDEA/Special education section below).

III. Timing and Strategy: Senators Murray and Kennedy have offered a class size amendment to the Ed-Flex bill to authorize the program for the remaining six years in the President's proposal. The President strongly supports this amendment. Republicans are attempting to shut-down debate and force a vote on Ed-Flex without having a vote on the class size amendment. If Republicans succeed in blocking a vote, we should call attention to their failure to support class size. Because of the need for school districts to have certainty regarding continued funding for this program as they began to hire additional teachers, we will need to consider whether to attach this to other measures. We will find ways to sustain the message on the importance of smaller class sizes. Also, we will work to ensure that first-year funding is carefully implemented so that school districts are not encountering administrative problems just as this debate is underway.

D. School Modernization. Legislation to create tax credits to support \$25 billion in bonds to help build, repair, or modernize up to 6,000 schools.

I. Presidential Actions:

-- Events or statements coordinated with legislative action.

II. Republican Agenda: Republicans will try to push an alternative school construction proposal, which would change arbitrage provisions for school bonds. The school superintendents organization supports this proposal; we will have to work hard to make the case that this proposal is fundamentally flawed (because the proceeds do not have to be used for school construction and go to districts that do not need assistance).

III. Timing and Strategy: Rep. Rangel will introduce the administration's school modernization proposal in the House. A Sense of the Senate resolution on this issue may be offered during the Ed-Flex debate. Ultimate success will come, if at all, on a larger tax vehicle. We will continue efforts to promote message on the importance of dealing with the growing need for school construction and renovation. We will need to address potential flashpoints, including Davis-Bacon and Sen. Bob Graham's school construction alternative.

E. Education FY 2000 Appropriations Bill. Legislation to fund federal education programs, including after-school; turning-around failing schools; class size; Troops to Teachers; master teachers; GEAR-UP; Title I; technology grants; choice initiatives (charters, work-site and magnets); and Safe and Drug-Free Schools.

I. Presidential Actions:

-- National Teacher of the Year event in April.

-- FY 99 grants announcements --e.g., after-school, charter school, teacher recruitment and quality, Gear-Up, technology.

--Reports on various issues --e.g., charter schools, teacher quality, after-school.

II. Republican Agenda: Republicans probably will support increases in funding, but will try to push block grants and target increases towards IDEA (essentially a politically viable form of block grants). Recent court rulings and new federal regulation may strengthen the Republican case for increases in IDEA funding. We will have to counter with sustained campaigns for increases in our priority programs.

III. Timing and Strategy: Appropriations Committee hearings begin in March; final bills will get to the President in the late fall/early winter. Our overall message will stress the purpose and importance of our education initiatives. Many of these initiatives were first funded - or received expanded funding - in the 1999 fiscal year. FY 1999 grant announcements provide us with an opportunity to take credit for Clinton-Gore victories and to call on Congress to expand on this good work. We will also continue to identify members of Congress to champion key initiatives and work with groups to ensure that they are communicating their support for these initiatives to members. We will develop strategies to place op-eds and communicate with opinion leaders on our approach of identifying promising practices, using targeted funding to spread their use, and combining flexibility in use of federal funds with accountability for results -- as opposed to the Republican approach of broad - and ultimately unaccountable block grants.

F. Should we add something on national testing/national standards?

CHALLENGES

A. Bilingual Education/LEP. The Administration's ESEA reauthorization will include the President's goal of helping children learn English within three years. There is considerable division around the best approach to teach English to children with limited English proficiency. Bilingual education - where students first receive instruction in their native language in order to then learn English - has been the target of a ballot initiative (Unz initiative) in California that the administration opposed.

Republicans may offer measures to effectively end bilingual education and/or require students to leave bilingual education programs within one or two years. They may criticize the Administration's position as for being too protective of the status quo in bilingual education. Some groups who support bilingual education will criticize the Administration's effort for being too draconian. Our legislative proposal in ESEA will accommodate some of these concerns.

1. Timing. This issue will likely come to the forefront during hearing on the ESEA reauthorization, since that bill will reauthorize the federal bilingual education program.

2. Responses. Introduction of the ESEA legislation will give us the advantage of defining the debate early. Establishing a 3-year goal for learning English will counter criticisms that children stay in bilingual education far too long - while at the same time allowing districts to choose the education method that best suits their need (i.e. unlike the California initiative, we don't specify whether to teach students English in bilingual or immersion classes).

We will need to address concerns in the Hispanic community through targeted outreach and communications strategy explaining our position and legislation. This will include briefings on our legislation to Hispanic groups and members of the Hispanic caucus, as well as a communications strategy targeted at the Hispanic media. We also will need to identify members of Congress in both parties who can champion our approach. Moreover, we will work closely with many of these groups to seek expansion of the Hispanic Education Action Plan announced by Vice President Gore last year (an array of federal education initiatives that serve high concentrations of Latino students) and find appropriate ways to ensure that existing federal programs help students with limited English proficiency.

3. Presidential Action. It is not clear whether a Presidential statement will be needed. The ESEA reauthorization will be transmitted around the Easter recess.

B. Race-Based Admissions. Admissions decisions that consider the race of the applicant either for the purpose of remedying past discrimination or to enhance the diversity of the student body.

1. Timing. Affirmative action opponents have filed cases against school districts and universities across the country to challenge admissions that factored race into the admissions decision process. In several instances (Boston, San Francisco), schools have changed their admissions process to avoid legal challenges. Congressional Republicans may try and offer amendments to any moving piece of education legislation to prohibit race from being considered in school and university admissions.

2. Responses. The administration supports the consideration of race in school admissions decisions to remedy past discrimination and to promote diversity. The counsel's office is working the Departments of Justice and Education to monitor several of these cases and to determine where federal intervention would be appropriate. The Administration also fought efforts in the last Congressional session to prohibit the use of race as a factor in admission decision and should be prepared to engage in a similar battle.

3. Presidential Action. The higher education groups are working on an effort to unite university presidents behind an enhanced strategy to increase campus diversity because of the identifiable benefits diversity brings to classroom environment (e.g., diverse opinions). If this group is effectively pulled together, the President should announce its formation. The timing is unclear, but this could be part of the roll-out for the President's report on the race initiative.

C. Vouchers. Vouchers would provide tax dollars - usually those that would otherwise be allocated to the public schools -- to students to use at a private school.

1. Timing. Republicans may propose vouchers as part of their own approach to reauthorizing ESEA (spring/summer) or as part of the education appropriations or D.C. appropriations (fall) bills.

2. *Response.* The administration should continue to oppose the use of federal funds to support private school vouchers. The major education groups have also long-opposed vouchers and we should continue regular discussions with them to coordinate our efforts as individual legislative measures on vouchers arise.

The Administration's efforts to support interventions in failing schools -- and strengthening school accountability more generally -- provide one effective counter to vouchers, principally because voucher advocates typically use the image of students trapped in failing schools as a major reason for advocating vouchers. Moreover, the Administration's efforts to expand choice within public education can preempt calls for vouchers by demonstrating that we are making progress expanding parental choice without hurting public education. Finally, our efforts to invest in common-sense steps like smaller classes and modern school buildings help round out an agenda that may make more sense to the public than markets and vouchers. Partly because of these steps, Republicans are trying to scale back the focus on vouchers in their education agenda, but they clearly will continue to press on this issue.

3. *Presidential Action.* A Presidential statement may be needed in late summer or fall if Republicans propose attaching vouchers to appropriations bills or to ESEA. Moreover, Presidential events on fixing failing schools, expanding public school choice, and reducing class size and modernizing school buildings will help undermine the effectiveness of the voucher message. Finally, the livability agenda -- its focus on schools as centers of community -- may help undermine the voucher message by reminding people of the importance of building up our public schools as centers of community rather than tearing them down through vouchers.

D. Individuals with Disabilities Education Act (IDEA) and Special Education. Many Republicans are trying to broaden the appeal of their education agenda -- and attack the President's agenda -- by criticizing the Administration's alleged failure to provide adequate funding to help local school districts serve students with disabilities. Republicans argue that the federal government should be providing 40% -- rather than the current 11% -- of the costs of special education. These Republicans are beginning to make the case to the public that the federal government should fully fund requirements to serve students with disabilities before funding new initiatives like class size. Moreover, they argue that providing extra support to school districts for special education would free up other resources that local school districts could choose to use on reducing class size, after-school programs, etc. They argue that this approach -- supposedly providing investments and flexibility to local school districts -- is preferable to the Administration's approach of leaving school districts hold the bag on special education and then direct them to spend other federal resources on specific strategies like class size, after-school, etc. The Governors raised this issue to the President in NGA, and complaints have been increasing from communities across the country about this problem.

1. Timing. This issue will likely be raised throughout the year during deliberations in the House and Senate on Presidential education initiatives, consideration of the budget resolution and appropriation bills. Moreover, it appears there may be a coordinated strategy for Governors, school districts, and others to raise this with the president and vice president in meetings on education.

Moreover, IDEA regulations will be released later this month. Major issues involve how the regulations address discipline for children with disabilities.

2. Response. We have been arguing that special education funding has increased over the past few years and that many of our investments in strategies like smaller classes also help special education students -- indeed some of these strategies help children learn to read well and may keep them from being placed in special education in the first place.

We are examining other strategies to address this issue.

3. Presidential Actions.

We are examining other strategies to address this issue.

E. Block Grants. Republicans will also continue to promote the theme of investments in education coupled with flexibility through their block grant proposals.

1. Timing. The Senate could try to bring block grant proposals to the Senate floor this spring.

2. Response. We will continue to emphasize the message that states and school districts should be held accountable for federal funds -- rather than giving out funding without

accountability through block grants. Moreover, we will also continue to emphasize the importance of targeted funding for important national purposes like smaller classes and modern school buildings.

3. Presidential Actions. Presidential events around his education agenda.

F. Teacher quality. Republicans will also likely advocate proposals to improve teacher quality through initiatives that could be difficult for the Administration to support -- such as testing for current teachers and merit pay for high-performing teachers.

1. Timing. The timing of Republican proposals along these lines is uncertain but could come this spring or summer.

2. Response. The Administration's ESEA proposal will contain several initiatives to improve teacher quality that will help define the debate early -- including ending the use of unqualified teachers and supporting national certification for highly accomplished teachers. Moreover, the Administration is advocating other teacher quality initiatives such as attracting retiring military troops and talented young people into teaching. Special emphasis on the President's initiatives to hold teachers accountable and support good teachers will be helpful in defusing possible support for these likely Republican efforts.

3. Presidential Actions. Presidential events around his teacher quality initiatives.

POSSIBLE EXECUTIVE ACTIONS

-- Release two Education Department studies on public school choice and charter schools.

-- Release Administration report on ending social promotion.