

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 051 - FOLDER -002

[05/15/1999-05/17/1999]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1999 13:46:36.00

SUBJECT: AP Story

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

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

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

TEXT:

Only wish they did this after the radio address...

----- Forwarded by Neera Tanden/WHO/EOP on 05/15/99 01:45
 PM -----

Ruby Shamir
 05/14/99 06:38:33 PM
 Record Type: Record

To: Neera Tanden/WHO/EOP@EOP
 cc:
 Subject: AP Story

Disney Pulls Video Games From Park

ANAHEIM, Calif. (AP) -- Disneyland is pulling the plug on 30 violent video arcade games in the amusement park and two Disney-owned hotels in response to the school massacre in Colorado.

All of the games were to be unplugged by Friday and then removed by a vendor, the park said. Disneyland did not provide a list of titles.

The new policy distinguishes between games in which humans are targets and those that are simple accuracy contests.

violent video games ``We just don't think there's any place for at Disneyland,' ' park spokesman Ray Gomez said. ``This has probably been under consideration for a while, but the events in

thinking.' ' April brought it to the forefront of our

Littleton,
teacher before

On April 20, two teen-agers at Columbine High in
Colo., shot and killed 12 fellow students and a
committing suicide.

□#AP-NY-05-14-99 1601EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer M. Luray (CN=Jennifer M. Luray/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-1999 11:06:11.00

SUBJECT: EPIC update

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The Equity in Prescription Insurance Coverage is supposed to be dropped in this Thursday. Snowe has a press conference scheduled for 11 that day. She's invited the other sponsors but they aren't confirmed.

We may see the reversal this week of two victories won last week -- DOD authorization subcommittee approved Sanchez amendment to allow military women to pay for their own abortions in U.S. military hospitals; Treasury-Postal approps. subcommittee reported out bill with Lowey language intact in the mark. DOD Committee likely to overturn Sanchez win; Northup may do amendment in Treasury-Postal to strike the Lowey language.

Given these new developments, we may want to seek POTUS endorsement of EPIC this week so that we can combine it in a story about our positive message vs. their extremism. Although, Chris and I have discussed the benefit of holding off so that we don't have to publicly get into the conscience clause issue yet.

FYI -- I'll be gone to a conference in Toronto from 3 pm Tuesday returning Thursday am.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann C. Hertelendy (CN=Ann C. Hertelendy/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-1999 12:01:49.00

SUBJECT: Message Mtg today at 4pm

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

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

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

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

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

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

TO: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

TO: Wendy E. Gray (CN=Wendy E. Gray/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

TO: Ted Widmer (CN=Ted Widmer/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

TO: David Halperin (CN=David Halperin/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Charles M. Brain (CN=Charles M. Brain/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: Tomasz P. Malinowski (CN=Tomasz P. Malinowski/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

TO: Matt Gobush (CN=Matt Gobush/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

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

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

TO: Mary E. Cahill (CN=Mary E. Cahill/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: Laura A. Graham (CN=Laura A. Graham/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

CC: Mark D. Neschis (CN=Mark D. Neschis/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

CC: Julie D. Eddy (CN=Julie D. Eddy/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

READ:UNKNOWN

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

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

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

CC: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

CC: Kelley L. O'Dell (CN=Kelley L. O'Dell/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

CC: Sean P. O'Shea (CN=Sean P. O'Shea/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

CC: Alejandro G. Cabrera (CN=Alejandro G. Cabrera/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

CC: Joseph D. Ratner (CN=Joseph D. Ratner/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

CC: Peter A. Weissman (CN=Peter A. Weissman/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

READ:UNKNOWN

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

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

TEXT:

Loretta will be holding a message mtg today at 4pm in OEOB 100:

4:00-4:30pm: Message opportunities while the President is out of town
(week of 5/23)

4:30-5:00pm: Empowerment Zones and City Year Event

Please call/e-mail with questions or concerns. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAY-1999 12:49:42.00

SUBJECT: Supreme Court ruling on Anderson v. Roe

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

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

TEXT:

The Supreme Court ruled 7-2 against California. Below is the AP story; also attached is the Q&A we did last fall on our position.

May 17, 1999; Monday 11:15 Eastern Time

SECTION: Washington - general news

LENGTH: 963 words

HEADLINE: Court Rules on Welfare Benefits

BYLINE: LAURIE ASSEO
AP-Court-Welfare ,1019

DATELINE: WASHINGTON

BODY:

The Supreme Court today ruled states cannot pay lower welfare benefits to new residents than to longtime residents.

The justices' 7-2 decision said California's limit on benefits for new residents violates the constitutional right to travel.

"Citizens of the United States, whether rich or poor, have the right to choose to be citizens of the state wherein they reside," Justice John Paul Stevens wrote for the court. "The states, however, do not have any right to select their citizens."

Stevens said, "The state's legitimate interest in saving money provides no justification for its decision to discriminate among equally eligible

citizens.''

In other action today, the court:

Agreed to judge the validity of a federal law that closes state motor vehicle records to the public. The justices will use a dispute from South Carolina to decide, sometime in 2000, whether Congress unlawfully usurped state governments' authority when it enacted the Driver's Privacy Protection Act of 1994.

Made it harder for federal judges to strike down election districts as products of unlawful racial gerrymandering. The unanimous ruling in a North Carolina case could have great influence on redistricting disputes nationwide after the 2000 census.

Left intact a million-dollar libel award against the tabloid newspaper Globef or repeating a book's claim that a California man, not Sirhan Sirhan, killed Robert F. Kennedy. The justices, without comment, let stand a ruling by California's highest court that the news media can be liable for repeating someone else's libelous statement about a private figure.

Said police do not need a warrant to seize someone's car from a public place under laws requiring forfeiture of property linked to crime. The 7-2 ruling reinstated a Florida man's drug conviction based on the crack cocaine police found in his car after seizing it without a warrant. Police said the man's car was subject to forfeiture because it had been used to deliver drugs several months earlier.

California's welfare policy would have given people who lived in the state for less than a year only the amount of welfare they would have received in their previous home state. Fourteen other states have similar laws.

A federal welfare overhaul enacted by Congress in 1996 specifically allowed states to temporarily provide lower benefits for new residents. But the justices said today Congress cannot authorize states to enact policies that violate the Constitution.

California lawmakers enacted the lower benefit to save money and eliminate an incentive people might have to move in-state to get a higher welfare check.

For example, a family of four in California ordinarily would get \$673 a month, while a family who moved into the state from Mississippi within the past

year would get only \$144.

Welfare recipients challenged the law, saying the limit on benefits coupled with California's high cost of living could deprive them of the basic necessities of life. Lower courts put the law on hold, saying the state could not treat new and longtime residents differently.

In 1969, the Supreme Court invoked the constitutional right to travel as it struck down state laws that required one year of residency in that state to receive any welfare benefits at all.

During arguments last January, California's lawyers told the justices that reducing benefits for a year would not violate new residents' right to travel. New residents would not be much worse off because they still would be eligible for other welfare programs such as job training and child care, the state's lawyers said.

Those who challenged the California law said they moved into the state to pursue employment, not welfare benefits. One woman who moved from Oklahoma said she would not be able to afford housing if her benefits were limited to Oklahoma's level of \$307 for a family of three, instead of \$565 for longer-term California residents.

A federal judge put the welfare limit on hold. The 9th U.S. Circuit Court of Appeals agreed, deciding California could not justify limiting new residents' welfare benefits by saying they would have received the same amount in their previous state.

The 1996 federal welfare law allows the states to enact dramatically different public-assistance policies. Congress decided to let states pay lower benefits to new residents for fear the new system otherwise might lead states with higher benefits to become magnets for welfare recipients.

Congress also worried that other states might "race to the bottom" by cutting benefits to push people away. So far there is little evidence that states with higher benefits have attracted large numbers of welfare migrants.

Stevens wrote that while it may be reasonable to assume some people might move to a state to receive higher welfare benefits, "the empirical evidence ... indicates that the number of such persons is quite small surely not large enough

to justify a burden on those who had no such motive.'

Stevens' opinion was joined by Justices Sandra Day O'Connor, Antonin Scalia, Anthony M. Kennedy, David H. Souter, Ruth Bader Ginsburg and Stephen G. Breyer.

Dissenting were Chief Justice William H. Rehnquist and Justice Clarence Thomas.

Writing for the two, Rehnquist called the California law a 'reasonable measure falling under the head of a 'good-faith residency requirement.'

Other states with different welfare benefits for newcomers include Florida, Georgia, Illinois, Maryland, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island, Vermont, Washington and Wisconsin. Several of those laws have been challenged in court and have been barred from taking effect.

The case is Saenz vs. Roe, 98-97.

LANGUAGE: ENGLISH

----- Forwarded by Cynthia A. Rice/OPD/EOP on 05/17/99
12:43 PM -----

Andrea Kane
05/17/99 12:27:53 PM
Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc:
Subject: 11/20 Q&A on Anderson v. Roe

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D20]ARMS214944943.136 to ASCII,
The following is a HEX DUMP:

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53F0A95A848B694FC332B4FD9F11572CF7C49CA69949143A869E3E9CE81668C7BEF65AD16C4972  
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```

*Q&A on Anderson v. Roe
November 21, 1998*

Q: What is the Administration's position regarding California's policy of paying new residents less in welfare benefits than current residents?

A: The Administration's position is that the federal welfare reform statute (PRWORA) is constitutional, and that its residency provision, like other sections of the statute, simply gives states additional flexibility to establish welfare policies that best meet their needs. The brief argues that the purpose of the provision is to ensure that the new federal law would not create new incentives for interstate migration and would not encourage states to lower benefits. The brief then argues that the federal district court erred in not examining whether California's statute was narrowly tailored to serve these purposes that underlie the federal law, and that it is doubtful whether the California statute can meet that standard. The brief urged the Supreme Court to remand the case to the federal district court to explore that issue.

Q: Why did the United States file a brief in the matter given that the U.S. is not a party to the suit and the 1996 federal welfare reform statute is not under review?

A: The United States filed a friend of the court brief because a clear question was presented about what, if any, effect the federal welfare reform act had on states' adoption of different benefit levels for new state residents. The U.S. also filed a brief because the case implicates important constitutional precedent concerning the right to travel.

Q: Does the evidence show that people move from state to state seeking higher welfare benefits?

A: There is mixed evidence on this point -- there are no definitive studies. Certainly, Congress could reasonably have determined that a provision of this kind would prevent welfare recipients from moving in search of higher benefits and states from lowering benefits. So far, the evidence indicates that states have not acted in this way and that in fact states are spending more per person than they were under AFDC.

Q: How many states currently provide a different benefit to new residents?

A: Thirteen states provide differential benefits to new residents (California, Florida, Georgia, Illinois, Maryland, Minnesota, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island, Washington, and Wisconsin).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAY-1999 13:04:27.00

SUBJECT: Reno mtg with Rogers

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

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

TEXT:

The weekly cabinet report indicated that reno is meeting with hal rogers on wed 5/19--do you think they'll be discussing restructuring?? I know we'll be getting briefed by ins on fri, but I thought Janet and Irene might want to touch base with doj/ins and be sure we know what if anything is going to be said on the subject. Keep me posted

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-1999 13:19:43.00

SUBJECT: Court Rules on Welfare Benefits

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Court Rules on Welfare Benefits

By LAURIE ASSEO Associated Press Writer

WASHINGTON (AP) -- The Supreme Court today ruled states cannot pay lower welfare benefits to new residents than to longtime residents.

The justices' 7-2 decision said California's limit on benefits for new residents violates the constitutional right to travel.

"Citizens of the United States, whether rich or poor, have the right to choose to be citizens of the state wherein they reside," Justice John Paul Stevens wrote for the court. "The states, however, do not have any right to select their citizens."

Stevens said, "The state's legitimate interest in saving money provides no justification for its decision to discriminate among equally eligible citizens."

In other action today, the court:

--Agreed to judge the validity of a federal law that closes state motor vehicle records to the public. The justices will use a dispute from South Carolina to decide, sometime in 2000, whether Congress unlawfully usurped state governments' authority when it enacted the Driver's Privacy Protection Act of 1994.

down election
gerrymandering. The
have great
after the 2000

against the tabloid
that a California
Kennedy. The justices,
California's highest court
someone else's

someone's car
forfeiture of property
Florida man's drug
found in his car
the man's car was
to deliver drugs

people who lived
amount of welfare they
state. Fourteen

in 1996
provide lower benefits
Congress cannot
the Constitution.

to save money
move in-state to

--Made it harder for federal judges to strike
districts as products of unlawful racial
unanimous ruling in a North Carolina case could
influence on redistricting disputes nationwide
census.

--Left intact a million-dollar libel award
newspaper Globe for repeating a book's claim
man, not Sirhan Sirhan, killed Robert F.
without comment, let stand a ruling by
that the news media can be liable for repeating
libelous statement about a private figure.

--Said police do not need a warrant to seize
from a public place under laws requiring
linked to crime. The 7-2 ruling reinstated a
conviction based on the crack cocaine police
after seizing it without a warrant. Police said
subject to forfeiture because it had been used
several months earlier.

California's welfare policy would have given
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would have received in their previous home
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A federal welfare overhaul enacted by Congress
specifically allowed states to temporarily
for new residents. But the justices said today
authorize states to enact policies that violate

California lawmakers enacted the lower benefit
and eliminate an incentive people might have to
get a higher welfare check.

ordinarily would get state from \$144.

the limit on of living -- could Lower courts put treat new and

constitutional right to required one year of benefits at all.

lawyers told the not violate new not be much for other welfare the state's lawyers

they moved into benefits. One be able limited to Oklahoma's \$565 for

The 9th U.S. California could not by saying they previous state.

to enact

For example, a family of four in California \$673 a month, while a family who moved into the Mississippi within the past year would get only

Welfare recipients challenged the law, saying benefits -- coupled with California's high cost deprive them of the basic necessities of life. the law on hold, saying the state could not longtime residents differently.

In 1969, the Supreme Court invoked the travel as it struck down state laws that residency in that state to receive any welfare

During arguments last January, California's justices that reducing benefits for a year would residents' right to travel. New residents would worse off because they still would be eligible programs such as job training and child care, said.

Those who challenged the California law said the state to pursue employment, not welfare woman who moved from Oklahoma said she would not to afford housing if her benefits were be level of \$307 for a family of three, instead of longer-term California residents.

A federal judge put the welfare limit on hold. Circuit Court of Appeals agreed, deciding justify limiting new residents' welfare benefits would have received the same amount in their

The 1996 federal welfare law allows the states dramatically different public-assistance

policies. Congress
residents for
with higher
recipients.

``race to the
away. So far there is
have attracted

assume some
welfare benefits,
number of such
enough to justify a

Day O'Connor,
Souter, Ruth

Rehnquist and Justice

California law a
'good-faith

newcomers,

Minnesota, New

and

challenged in court

decided to let states pay lower benefits to new
fear the new system otherwise might lead states
benefits to become magnets for welfare

Congress also worried that other states might
bottom'' by cutting benefits to push people
little evidence that states with higher benefits
large numbers of welfare migrants.

Stevens wrote that while it may be reasonable to
people might move to a state to receive higher
``the empirical evidence ... indicates that the
persons is quite small -- surely not large
burden on those who had no such motive.''

Stevens' opinion was joined by Justices Sandra
Antonin Scalia, Anthony M. Kennedy, David H.
Bader Ginsburg and Stephen G. Breyer.

Dissenting were Chief Justice William H.
Clarence Thomas.

Writing for the two, Rehnquist called the
``reasonable measure falling under the head of a
residency requirement.'''

Other states with different welfare benefits for
include Florida, Georgia, Illinois, Maryland,
Hampshire, New Jersey, New York, North Dakota,
Pennsylvania, Rhode Island, Vermont, Washington
Wisconsin. Several of those laws have been
and have been barred from taking effect.

The case is Saenz vs. Roe, 98-97.

□#AP-NY-05-17-99 1115EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: David R. Goodfriend (CN=David R. Goodfriend/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-1999 13:21:05.00

SUBJECT: President's Trip to NYC

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

TO: Rebecca L. Walldorff (CN=Rebecca L. Walldorff/OU=WHO/O=EOP @ EOP [WHO])
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TO: Loretta M. Ucelli (CN=Loretta M. Ucelli/OU=WHO/O=EOP @ EOP [WHO])
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TO: David R. Goodfriend (CN=David R. Goodfriend/OU=WHO/O=EOP @ EOP [WHO])
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TO: June Shih (CN=June Shih/OU=WHO/O=EOP @ EOP [WHO])
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TO: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [OPD])

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TO: Michael Waldman (CN=Michael Waldman/OU=WHO/O=EOP @ EOP [WHO])
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TO: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP @ EOP [WHO])
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TO: Fred DuVal (CN=Fred DuVal/OU=WHO/O=EOP @ EOP [WHO])
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TO: Charles M. Brain (CN=Charles M. Brain/OU=WHO/O=EOP @ EOP [WHO])
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TO: Lawrence J. Stein (CN=Lawrence J. Stein/OU=WHO/O=EOP @ EOP [WHO])
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TO: Julianne B. Corbett (CN=Julianne B. Corbett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: Simeona F. Pasquil (CN=Simeona F. Pasquil/OU=WHO/O=EOP @ EOP [WHO])
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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])
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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 Wednesday, May 19, the President will travel to New York City to attend the Penn Station Redevelopment unveiling ceremony, a DNC luncheon, and a dinner for Ms. Ferraro. Deadlines for the Trip Book are as follows:

Background Memos (NY): DUE TOMORROW, MAY 18, 3:00 P.M.

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

Event Memos: DUE TOMORROW, MAY 18, 6:00 P.M.

- Penn Station Redevelopment Unveiling
- DNC Luncheon
- Ferraro Dinner

If you have any questions, please e-mail or call me (6-2702). Thanks.

--David Goodfriend

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Eugenia Chough (CN=Eugenia Chough/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:17-MAY-1999 13:37:29.00

SUBJECT: Welfare reform accomplishments document

TO: Lee Ann Brackett (CN=Lee Ann Brackett/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

TO: Nanda Chitre (CN=Nanda Chitre/OU=WHO/O=EOP @ EOP [WHO])
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TO: Ruby Shamir (CN=Ruby Shamir/OU=OPD/O=EOP @ EOP [OPD])
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TO: Elizabeth R. Newman (CN=Elizabeth R. Newman/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TEXT:

Attached please find an updated version of the Administration's accomplishments on welfare reform document. Unfortunately, due to backlogs, the version on our WH web site has not been updated in awhile,

and we wanted to make sure that everyone has the latest info. Thank you.

Genie Chough
x65372

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

TEXT:
Unable to convert ARMS_EXT: [ATTACH.D75]ARMS22743594C.136 to ASCII,
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5/12/99

CLINTON-GORE ACCOMPLISHMENTS

REFORMING WELFARE

On August 22, 1996, President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act, fulfilling his longtime commitment to 'end welfare as we know it.' As the President said upon signing, "... this legislation provides an historic opportunity to end welfare as we know it and transform our broken welfare system by promoting the fundamental values of work, responsibility, and family."

TRANSFORMING THE BROKEN WELFARE SYSTEM

- **Overhauling the Welfare System with the Personal Responsibility Act:** In 1996, the President signed a bipartisan welfare plan that is dramatically changing the nation's welfare system into one that requires work in exchange for time-limited assistance. The law contains strong work requirements, performance bonuses to reward states for moving welfare recipients into jobs and reducing illegitimacy, state maintenance of effort requirements, comprehensive child support enforcement, and supports for families moving from welfare to work -- including increased funding for child care. State strategies are making a real difference in the success of welfare reform, specifically in job placement, child care and transportation. In April 1999, the President unveiled landmark new welfare regulations that will promote work and help those who have left the rolls to succeed in the workforce and stay off welfare.
- **Law Builds on the Administration's Welfare Reform Strategy:** Even before the Personal Responsibility Act became law, many states were well on their way to changing their welfare programs to jobs programs. By granting federal waivers, the Clinton Administration allowed 43 states -- more than all previous Administrations combined -- to require work, time-limit assistance, make work pay, improve child support enforcement, or encourage parental responsibility. The vast majority of states have chosen to build on their welfare demonstration projects approved by the Administration.
- **Welfare Rolls Decline as More Recipients go to Work:** In April 1999, the President released state-by-state data (from December 1998) showing that welfare caseloads are at their lowest level in 30 years and that the welfare rolls have fallen by nearly half since he took office. Since January 1993, 29 states have had caseload declines of more than half and nationwide the rolls have fallen by 46%, from 14.1 million to 7.6 million. This historic decline occurred in response to the Administration's grants of federal waivers to 43 states, the provisions of the new welfare reform law, and the strong economy. Information released by the Department of Health and Human Services also shows that the percentage of welfare recipients working has tripled since 1992, that an estimated 1.5 million people who were on welfare in 1997 were working in 1998, and that all states met the first overall work participation rates required under the welfare reform law.

MOVING PEOPLE FROM WELFARE TO WORK

- **Mobilizing the Business Community:** At the President's urging, the Welfare-to-Work Partnership was launched in May 1997 to lead the national business effort to hire people from the welfare rolls. The Partnership began with 105 participating businesses, and in his 1999 State of the Union address, the President announced that the Partnership has grown to more than 10,000 businesses. Since 1997, these businesses have hired over 410,000 welfare recipients, surpassing the challenge the President set in May of 1998. The Partnership provides technical assistance and support to businesses around the country, including: its toll-free number 1-888-USA-JOB1, a web site, a quarterly newsletter, and a "Blueprint for Business" hiring manual. The Partnership also published "The Road to Retention," a report of companies that have found higher retention rates for former welfare recipients than for other new hires, and strategies they used to achieve this success.
- **Connecting Small Businesses with New Workers and Creating New Entrepreneurs:** The Small Business Administration is addressing the unique and vital role of small businesses who employ over one-half of the private workforce, by helping small businesses throughout the country connect with job training organizations and job-ready welfare recipients. In addition, SBA provides training and assistance to welfare recipients who wish to start their own businesses. SBA provides assistance to businesses through its 1-800-U-ASK-SBA number, as well through its network of small business development and women's business centers, one-stop capital shops, Senior Corps of Retired Executives (SCORE) chapters, district offices, and its website.
- **Mobilizing Civic, Religious and Non-profit Groups:** Vice President Gore created the Welfare-to-Work Coalition to Sustain Success, a coalition of national civic, service, and faith-based groups committed to helping former welfare recipients succeed in the workforce. Working in partnership with public agencies and employers, Coalition members provide mentoring, job training, child care, transportation, and other support to help these new workers with the transition to self sufficiency. Charter members of the Coalition include: Alpha Kappa Alpha, the Boys and Girls Clubs of America, the Baptist Joint Committee, Goodwill, Salvation Army, the United Way, Women's Missionary Union, the YMCA, the YWCA, and other civic and faith-based groups.
- **Doing Our Fair Share with the Federal Government's Hiring Initiative:** Under the Clinton/Gore Administration, the federal workforce is the smallest it has been in thirty years. Yet, this Administration also believes that the federal government, as the nation's largest employer, must lead by example. In March 1997, the President asked the Vice President to oversee the federal government's hiring initiative in which federal agencies committed to directly hire at least 10,000 welfare recipients in the next four years. In April 1999, the President announced that the federal government has hired 12,000 welfare recipients, meeting the goal nearly two years ahead of schedule. As a part of this effort, the White House pledged to hire six welfare recipients and has already exceeded this goal.
- **Funds to Help Move More People from Welfare to Work:** Because of the President's leadership, the 1997 Balanced Budget Act included \$3 billion for Welfare-to-Work grants to

help states and local communities move long-term welfare recipients, and certain non-custodial parents, into lasting, unsubsidized jobs. These funds can be used for job creation, job placement and job retention efforts, including wage subsidies to private employers and other critical post-employment support services. The Department of Labor provides oversight, but most of the dollars are placed through the Private Industry Councils, in the hands of the localities who are on the front lines of the welfare reform effort. In addition, 25% of the funds are awarded by the Department of Labor on a competitive basis to support innovative welfare-to-work projects. The President announced the first round of 49 competitive grants in May, and the Vice President announced the second round of 75 competitive grants in November 1998. In January 1999, the Department of Labor announced the availability of \$240 million in competitive grants for FY 1999. These funds will support innovative local welfare-to-work strategies for noncustodial parents, individuals with limited English proficiency, disabilities, substance abuse problems, or a history of domestic violence.

The President's FY 2000 Budget requests \$1 billion to extend the Welfare-to-Work program to help 200,000 long-term welfare recipients and noncustodial parents in high-poverty areas move into lasting unsubsidized employment. The initiative would provide at least \$150 million to ensure that every state helps fathers fulfill their responsibilities by working, paying child support, and playing a responsible part in their children's lives. Under this proposal, states and communities would use a minimum of 20% of their formula funds to provide job placement and job retention assistance to low-income fathers who sign personal responsibility contracts committing them to work and pay child support. This effort would further increase child support collections, which have risen 80% since the President took office, from \$8 billion in 1992 to \$14.4 billion in 1998. Remaining funds will go toward assisting long-term welfare recipients with the greatest barriers to employment to move into lasting jobs. The reauthorized program also would double the Welfare-to-Work funding available for tribes.

- **Tax Credits for Employers:** The Welfare-to-Work Tax Credit, enacted in the 1997 Balanced Budget Act, provides a credit equal to 35% of the first \$10,000 in wages in the first year of employment, and 50% of the first \$10,000 in wages in the second year, to encourage the hiring and retention of long term welfare recipients. This credit complements the Work Opportunity Tax Credit, which provides a credit of up to \$2,400 for the first year of wages for eight groups of job seekers. The Omnibus Budget Act of 1998 included an extension through June 30, 1999 and the President's FY 2000 Budget proposes to extend both credits for an additional year.
- **Welfare-to-Work Housing Vouchers:** In 1999, the President proposed and Congress approved \$283 million for 50,000 new housing vouchers for welfare recipients who need housing assistance to get or keep a job. Families will use these welfare-to-work housing vouchers to move closer to a new job, to reduce a long commute, or to secure more stable housing that will eliminate emergencies which keep them from getting to work every day on time. Nearly all of these vouchers will be awarded to communities on a competitive basis, to communities that create cooperative efforts among their housing, welfare and employment agencies. The President's FY 2000 Budget provides \$430 million for 75,000 welfare-to-work housing vouchers, including \$144 million in new funds for 25,000 additional

vouchers.

- **Welfare-to-Work Transportation:** One of the biggest barriers facing people who move from welfare to work -- in cities and in rural areas -- is finding transportation to jobs, training programs and child care centers. Few welfare recipients own cars. Existing mass transit does not provide adequate links to many suburban jobs at all, or within a reasonable commute time. In addition, many jobs require evening or weekend hours that are poorly served by existing transit routes. To help those on welfare get to work, President Clinton proposed a \$100 million a year welfare-to-work transportation plan as part of his ISTEA reauthorization bill. The Transportation Equity Act for the 21st Century (TEA-21) authorized \$750 million over five years for the President's Job Access initiative and reverse commute grants. Of this amount, \$50 million is guaranteed funding in FY 1999, rising to \$150 million in 2003. The Omnibus Budget Act included \$75 million for this program in FY 1999, and in May, Vice President Gore awarded \$71 million of these funds to 179 communities in 42 states around the country. The President's Budget proposes to double funding for FY 2000, bringing the program to the authorized level of \$150 million. The Job Access competitive grants will assist states and localities in developing flexible transportation alternatives, such as van services, for welfare recipients and other low income workers.

SUPPORTING WORKING FAMILIES

- **Expanding the Earned Income Tax Credit:** Expansions in the EITC included in the President's 1993 Economic Plan are making work pay for 15 million working families, including former welfare recipients. A study conducted by the Council of Economic Advisors reported that in 1997, the EITC lifted 4.3 million American out of poverty -- more than double the number in 1993. The findings also suggest that the increase in labor force participation among single mothers who received welfare is strongly linked to the EITC expansion.
- **Improving Access to Affordable and Quality Child Care:** Under the Clinton Administration, federal funding for child care has increased by 70%, helping parents pay for the care of about one million children. The 1996 welfare reform law increased child care funding by \$4 billion over six years to provide child care assistance to families moving from welfare to work.

The President's budget proposes to expand the Child Care and Development Block Grant to help working families struggling to meet the costs of child care. The President's proposal: (1) increases funding for child care subsidies by \$7.5 billion over five years, and these new funds, combined with funds provided in welfare reform, will enable the program to serve an additional 1.15 million children by FY 2004; (2) provides \$3 billion over five years to promote early learning; and (3) provides \$173 million to improve child care quality. Additional funds for subsidies are necessary because currently, only 1.25 million of the approximately 10 million families eligible for assistance under federal law receive help.

The President's proposal also includes \$5 billion over five years to expand the Child and

Dependent Care Tax Credit (CDCTC) to provide greater tax relief for nearly three million working families paying for child care and eliminate income tax liability for almost all families with incomes below 200% of poverty. Additionally, the proposal includes \$1.3 billion to enable parents who have children under one year old to take advantage of the CDCTC by allowing these 1.7 million families to claim assumed child care expenses of \$500. The President's plan also includes a new tax credit to businesses that offer child care services to their employees. The President has proposed spending \$600 million in FY 2000 to triple funding for the 21st Century Community Learning Center Program, which supports the creation and expansion of after-school and summer-school programs to help roughly 1.1 million children each year. Finally, the President's proposal includes a significant new investment in Head Start, our nation's premier early childhood development program, with an additional \$607 million in FY 2000 to reach 42,000 more children, enabling the program to serve 877,000 low income children.

- **Providing Health Care to Low-Income Working Families.** In passing welfare reform, the President insisted on maintaining the Medicaid entitlement; indeed, he vetoed two welfare bills that did not guarantee continued Medicaid coverage to all adults and children who were then eligible. Beyond preserving Medicaid eligibility, the Clinton Administration has accomplished the following to ensure that low-income families have access to health care.
 - ***Creation of the Children's Health Insurance Program.*** The President, with bipartisan support from the Congress, created the Children's Health Insurance Program (CHIP). The Balanced Budget Act of 1997 allocated \$24 billion dollars over the next five years to extend health care coverage to uninsured children through State-designed programs. States project that they will ensure 2.5 million children when their new CHIP programs are fully implemented.
 - ***Allowing States to Expand Medicaid to Cover Families.*** The welfare law allows states to expand Medicaid coverage under section 1931 to families who earn too much to be eligible for Medicaid but not enough to afford health insurance. These expansions allow states to present Medicaid as a freestanding health insurance program for low-income families -- an important step towards removing the stigma associated with the program and reaching families who do not have contact with the TANF system.
 - ***Providing Medicaid Coverage to Low-income Two-Parent Families Who Work.*** In August 1998, the President eliminated a vestige of the old welfare system by allowing all states to provide Medicaid coverage to working, two-parent families who meet State income eligibility requirements. Under the old regulations, adults in two-parent families who worked more than 100 hours per month could not receive Medicaid regardless of their income level. Because the same restrictions did not apply to single-parent families, these regulations created disincentives to marriage and full-time work. Prior to eliminating the rule entirely, the Administration allowed a number of states to waive this rule. The new regulation eliminates this requirement for all States, providing health coverage for more than 130,000 working families to help them stay employed and off welfare.
 - ***Transitional Medical Assistance (TMA).*** TMA provides time-limited Medicaid

coverage to low-income households whose earnings or child support would otherwise make them ineligible for welfare-related Medicaid under state income eligibility standards. The President's FY 2000 Budget would reduce burdensome reporting requirements, including TMA eligibility procedures in the current Medicaid eligibility redetermination process. The budget also exempts those states that have expanded Medicaid coverage to families with incomes up to 185% of the federal poverty level from burdensome TMA reporting requirements, providing states with additional incentives to provide critical health care services.

- ***Helping States Help Low-Income Families.*** In March 1999, the Administration released new guidance encouraging States to reach out to children and families who are no longer eligible for cash assistance but are still eligible for Medicaid or CHIP. It also establishes that states must provide Medicaid applications upon request and process them without delay. The guidance reiterates state responsibilities to establish and maintain Medicaid eligibility for families and children affected by welfare reform, and provides creative examples of the best way to liberalize eligibility.

- **Investing for the Future:** In 1992, the President proposed to establish Individual Development Accounts (IDAs) to empower low-income families to save for a first home, post-secondary education, or to start a new business. The 1996 welfare reform law authorized the use of welfare block grants to create IDAs. And last year, the President signed legislation creating a five-year demonstration program. Households that are either eligible for Temporary Assistance for Needy Families or qualify for the Earned Income Tax Credit and have a net worth below \$10,000 are eligible to participate in the demonstration. The FY 1999 budget includes \$10 million to launch this initiative, and the President has proposed to double the commitment to \$20 million in FY 2000.

PROMOTING PERSONAL RESPONSIBILITY

- **Increasing Parental Responsibility and Enforcing Child Support:** Tougher measures under the Clinton Administration resulted in a record \$14.4 billion in child support collections in 1998, an increase of \$6.4 billion, or 80% since 1992. Not only are collections up, but the number of families that are actually receiving child support has also increased. In 1997, the number of child support cases with collections rose to 4.2 million, an increase of 48% from 2.8 million in 1992.
 - ***Improving the Collection System.*** A new collection system, proposed by the President in 1994 and enacted as part of the 1996 welfare reform law, has located over 1.2 million delinquent parents in its first nine months of operation. With approximately one-third of all child support cases involving parents living in different states, this National Directory of New Hires helps track parents across state lines.
 - ***Tougher Penalties.*** In June 1998, the President signed the Deadbeat Parents Punishment Act, a law based on his 1996 proposal for tougher penalties for parents who repeatedly fail to support children living in another state or who flee across state lines to avoid supporting them.
 - ***Increasing Paternity Establishments.*** Paternity establishment, often the crucial

first step in child support cases, has dramatically increased, due in large part to the in-hospital voluntary paternity establishment program begun in 1994 by the Clinton Administration. In 1997, the number of paternities established or acknowledged rose to a record 1.3 million, two and a half times the 1992 figure of 512,000.

- ***Increasing Collections.*** Finally, President Clinton has taken executive action, including: collections from federal payments such as income tax refunds and employee salaries, and steps to deny federal loans to delinquent parents. The federal government collected over \$1.1 billion in delinquent child support from federal income tax refunds for tax year 1997, a 70% increase since 1992.

- **Breaking the Cycle of Dependency -- Preventing Teen Pregnancy:** Significant components of the President's comprehensive effort to reduce teen pregnancy became law when the President signed the 1996 Personal Responsibility Act. The law requires unmarried minor parents to stay in school and live at home or in a supervised setting; encourages "second chance homes" to provide teen parents with the skills and support they need; and, provides \$50 million a year in new funding for state abstinence education activities. Since 1993, the Administration has supported innovative and promising teen pregnancy prevention strategies, including working with boys and young men on pregnancy prevention strategies. The National Campaign to Prevent Teen Pregnancy, a private nonprofit organization, was formed in response to the President's 1995 State of the Union. In 1997, the President announced the National Strategy to Prevent Teen Pregnancy. The first annual report on this Strategy reported that HHS-supported programs already reach at least 31% or 1,470 communities in the United States. In April 1999, the Vice President announced new data showing that we continue to make real progress in encouraging more young people to delay parenthood -- teen births have declined nationwide by 16% from 1991 to 1997, and have fallen in every state and across ethnic and racial groups. In addition, teen pregnancy rates are at their lowest level in 20 years.

RESTORING FAIRNESS AND PROTECTING THE MOST VULNERABLE

The President made a commitment to fix several provisions in the welfare reform law that had nothing to do with moving people from welfare to work. In 1997, the President fought for and ultimately was successful in ensuring that the Balanced Budget Act protects the most vulnerable. In 1998, the President continued his proposals to reverse unfair cuts in benefits to legal immigrants. The Administration's FY 2000 budget would build on this progress by restoring important disability, health, and nutrition benefits to additional categories of legal immigrants, at a cost of \$1.3 billion over five years.

- **Disability and Health:** The Balanced Budget Act of 1997 and the Noncitizen Technical Amendment Act of 1998 invested \$11.5 billion to restore disability and health benefits to 380,000 legal immigrants who were in this country before welfare reform became law (August 22, 1996). The President's FY 2000 Budget would restore eligibility for SSI and Medicaid to legal immigrants who enter the country after that date if they have been in the United States for five years and become disabled after entering the United States. This proposal would cost approximately \$930 million and assist an estimated 54,000 legal immigrants by 2004, about half of whom would be elderly.
- **Nutritional Assistance:** The Agricultural Research Act of 1998 provided Food Stamps for 225,000 legal immigrant children, senior citizens, and people with disabilities who enter the United States by August 22, 1996. The President's FY 2000 Budget would extend this provision by allowing legal immigrants in the United States on August 22, 1996 who subsequently reach age 65 to be eligible for Food Stamps at cost of \$60 million, restoring benefits to about 20,000 elderly legal immigrants by 2004.
- **Health Care for Children and Pregnant Women:** Under current law, states have the option to provide health coverage to immigrant children and pregnant women who entered the country before August 22, 1996. The President's FY 2000 Budget gives states the option to extend Medicaid or CHIP coverage to low-income legal immigrant children and Medicaid to pregnant women who entered the country after August 22, 1996. The proposal would cost \$325 million and provide critical health insurance to approximately 55,000 children and 23,000 women by FY 2004. This proposal would reduce the number of high-risk pregnancies, ensure healthier children, and lower the cost of emergency Medicaid deliveries.
- **Helping People Who Want to Work but Can't Find a Job:** The Balanced Budget Act, as amended by the Agricultural Research Act, also restored \$1.3 billion in food stamp cuts. The welfare reform law restricts food stamps to 3 out of every 36 months for able-bodied childless adults, unless they were working. Acknowledging that finding a job often takes time, the BBA provided funds for work slots and food stamp benefits to help those who are willing to work but, through no fault of their own, have not yet found employment. In addition, the BBA allows states to exempt up to 15% of the food stamp recipients (70,000 individuals monthly) who would otherwise be denied benefits as a result of the "3 in 36" limit.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAY-1999 13:46:42.00

SUBJECT: FW: Young Women's Leadership School

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

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

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

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

TEXT:

Think that it's worth noting that the girls school complaint is nearing 1000 days---what are we going to say if asked, what are our options?

----- Forwarded by Maria Echaveste/WHO/EOP on 05/17/99
01:45 PM -----

"Thornton, Leslie" <Leslie_Thornton@ed.gov>
05/17/99 08:54:31 AM

Record Type: Record

To: Ann F. Lewis/WHO/EOP, "'ruff_c@a1.eop.gov'" <ruff_c@a1.eop.gov>, Maria Echaveste/WHO/EOP

cc:

Subject: FW: Young Women's Leadership School

FYI.

Leslie

> -----Original Message-----

> From: Bowers, Susan

> Sent: Thursday, May 13, 1999 11:12 AM

> To: Thornton, Leslie

> Cc: Murphey, Rodger; Winnick, Steve

> Subject: Young Women's Leadership School

>

> Hi Leslie,

>

> We forgot to flag this for this week's weekly. The Young Women's
> Leadership school complaint is turning 1000 days old next week. We think
> that the complainants may go to the press on this anniversary. They know
> that ED is in consultation with DOJ, thus, the reason for delay. But,
> they're not happy.

>
> We wanted to give you a heads up. If you need anything further, please
> let me know.
>
> Sue

- att1.unk

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D45]ARMS20435594J.136 to ASCII,
The following is a HEX DUMP:

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

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_i4955339_opd_html_1.tnf

Attachment Number: [ATTACH.D45]ARMS20435594J.136 to ASCII

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-1999 15:29:58.00

SUBJECT: Re: Court Rules on Welfare Benefits

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

READ:UNKNOWN

TEXT:

So we wanted to let California have two separate levels of welfare benefits?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:17-MAY-1999 15:57:58.00

SUBJECT: NACARA and Naturalization Roll-out documents

TO: Scott Busby (CN=Scott Busby/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

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

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

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

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

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

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

CC: Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

TEXT:

This morning you should have received a note from me with the NACARA and INS Naturalization Plan roll-out documents. If you have not received this documents, please let me know.

NACARA Reg - if possible, please send me your comments on the NACARA roll-out documents by Tuesday, 5/18 morning. INS is planning a roll-out on 5/20.

Naturalization Documents - if possible, please send me your comments on the naturalization documents by Wednesday, 5/19 morning. INS is planning a roll-out for Friday, 5/21.

Let me know if you have any comments or questions. Thanks.

Please let me know if you have any questions. Thanks.

Irene
phone 6-6558
fax 6-7028 or 6-5581

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAY-1999 15:59:03.00

SUBJECT: AmeriCorps conference call

TO: Anne E. McGuire (CN=Anne E. McGuire/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: 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: ann f. lewis (CN=ann f. lewis/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: andrew j. mayock (CN=andrew j. mayock/OU=who/O=eop@eop [WHO])
READ:UNKNOWN

TO: jgompert@cns.gov (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: 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

TEXT:

will be tomorrow (Tuesday) at 3 p.m. 757-2100 code 4129.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAY-1999 16:32:31.00

SUBJECT: LRM MNB72 - - LABOR Report on HR1381 Rewarding Performance in Compensation

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

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

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

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

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

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

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

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

TO: Iratha H. Waters (CN=Iratha H. Waters/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

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

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

CC: justice.lrm (justice.lrm @ usdoj.gov @ inet [UNKNOWN]) (OA)
READ:UNKNOWN

TEXT:

EOP staff: you will not receive a hard copy of this LRM.

In particular, please note the Secretarial veto threat in second to last paragraph.

----- Forwarded by Melissa N. Benton/OMB/EOP on 05/17/99

04:12 PM -----

LRM ID: MNB72
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, May 17, 1999.

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Melissa N. Benton

PHONE: (202)395-7887 FAX: (202)395-6148

SUBJECT: LABOR Report on HR1381 Rewarding Performance in Compensation Act

DEADLINE: 11 a.m. Tuesday, May 18, 1999

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

COMMENTS: H.R. 1381 is scheduled for Subcommittee markup the morning of Wednesday, May 19th.

DISTRIBUTION LIST

AGENCIES:

- 25-COMMERCE - Michael A. Levitt - (202) 482-3151
- 61-JUSTICE - Jon P. Jennings - (202) 514-2141
- 107-Small Business Administration - Mary Kristine Swedin - (202) 205-6700

EOP:

- Barbara Chow
- Iratha H. Waters
- Barry White
- Larry R. Matlack
- Debra J. Bond
- Karen Tramontano

Elena Kagan
 Broderick Johnson
 Sandra Yamin
 Daniel J. Chenok
 Stuart Shapiro
 Courtney B. Timberlake
 Robert G. Damus
 Robert L. Nabors
 Adrienne C. Erbach
 Sarah S. Lee
 Janet R. Forsgren
 James J. Jukes

LRM ID: MNB72 SUBJECT: LABOR Report on HR1381 Rewarding
 Performance in Compensation Act
 RESPONSE TO
 LEGISLATIVE REFERRAL
 MEMORANDUM

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

You may also respond by:

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

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

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

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

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

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

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D17]ARMS219067948.136 to ASCII,
The following is a HEX DUMP:

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187F7910A317E67CA4F094C825B0CD078D0B2E9A7F7F9B575D3499EB622FA40620CF24038A33E3
7C076397BF1A67342C920CB0433D9B1C93E0AA0CEEC2B200812FFA2F862EAA7A6C2589D9272C7E
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84AB1570DBF12592FF4C7EBE186232D677B8DD29A15A0EDE7CB2877AD60AE2F38E7B4320740863
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B5D0A5CBEA8A11E578EF9E430EBDC9965B676D3BA4E72F47402830192D6309AB3FB222EB0931A7

The Honorable Cass Ballenger
Chairman
Subcommittee on Workforce Protections
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Ballenger:

I am writing to provide you with the views of the Department of Labor on H.R. 1381, the "Rewarding Performance in Compensation Act." This bill would amend the Fair Labor Standards Act (FLSA) to exclude from the definition of *regular rate* payments made to reward employees for meeting or exceeding productivity, quality, efficiency, or sales goals as specified in a gainsharing, incentive bonus, commission, or performance contingent bonus plan. The effect of this amendment would be to diminish employees' entitlements for overtime premium pay under the FLSA. The Department of Labor strongly opposes this bill.

This bill would substantially reverse the FLSA's long-standing overtime policy and drastically weaken existing protections for workers. It represents an assault on the 40-hour workweek and an employee's right to receive true time-and-a-half overtime premium pay. Moreover, this bill does nothing to guarantee to workers that they would ever share in their employers' gains that would come from their having to work excessive overtime hours.

The bill would allow an employer to pay artificially low hourly wages and structure a compensation scheme with "excludable" bonus pay that is based upon production or efficiency, enabling an employer to effectively transfer much of its risk to the workers. The bill would not guarantee workers the right to receive any incentive compensation, but it would guarantee employers the right to exclude any such pay from overtime. Workers' only rights if this bill became law would be overtime at time-and-a-half at their artificially decreased hourly wage, not their true regular rate. This will have the perverse effect of encouraging employers to work their employees for longer hours with no guaranteed compensation for their extra work, exactly the opposite of the original intent of the FLSA's overtime standards.

The Department strongly opposes this bill's attempt to undermine workers' rights and the 40-hour workweek. These requirements, which have been in place for over 60 years, provide vital worker protections that discourage employers from working employees excessively long

hours and ensure fair compensation to employees for the burdens of working extended hours for their employer. Because it is contrary to the best interests of the Nation's workers who would be affected by it, if this bill were presented to the President, I would recommend that he veto it.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Alexis M. Herman

106TH CONGRESS
1ST SESSION

H. R. 1381

To amend the Fair Labor Standards Act of 1938 to provide that an employee's "regular rate" for purposes of calculating overtime compensation will not be affected by certain additional payments.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 1999

Mr. BALLENGER (for himself, Mr. GOODLING, and Mr. DICKEY) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to provide that an employee's "regular rate" for purposes of calculating overtime compensation will not be affected by certain additional payments.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Rewarding Perform-
5 ance in Compensation Act".

6 **SEC. 2. REGULAR RATE.**

7 Section 7(e)(3) of the Fair Labor Standards Act of
8 1938 (29 U.S.C. 207(e)(3)) is amended by inserting be-

1 fore the semicolon at the end the following: “; or (d) the
2 payments are made to reward an employee or group of
3 employees for meeting or exceeding the productivity, qual-
4 ity, efficiency, or sales goals as specified in a gainsharing,
5 incentive bonus, commission, or performance contingent
6 bonus plan”.

○

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAY-1999 16:33:02.00

SUBJECT: asian exec order on health

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

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

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

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

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

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

TEXT:

Folks--Congressman Underwood is chair of the Asian Pacific Congressional Caucus--they really want some public ceremony for Asian Heritage month--I explained the schedule so he wants the exec order done in a public way. I told we were thinking of ideas--I recall that Mary Beth said something about doing it in conjunction with the first outreach mtg--is that where we're heading? Should we be doing a photo op with folks separately from the outreach mtg???

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAY-1999 17:03:20.00

SUBJECT: draft lott/daschle letter

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D7]ARMS232987948.136 to ASCII,
The following is a HEX DUMP:

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498E16F1F658C71ACCF77ADEA6E77E16850D63740EB8E4988795FC10917CE524029EE18AD6C53
1E8433C403F5131D55C683499350283FCE2798005E79F6F2DED6C96AF0F7B92B2619040727B09C
AE238E2473CBB2680EAE0A0BCAA7590EC9241279446DD534A8CFAEE5124A7A8E82AF7497114E84
605063904F8265403A0179223FCE5D3AB1C53514CE63C5D3A43B0D620B8A6ED9F9CD6E98160423
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C1DFCD5B4E9522768FEC1F8BC24D35FA91208AA791596F1F461E0BB07D74665138365E02F41B0A
A98480BBB96B45C70FF47255D6F51B0928626453461223FF6B7BCEB14B7C265116A7A9FA5F96FD

May 17, 1999

The Honorable Trent Lott
Majority Leader
United States Senate
Washington, DC 20510

Dear Mr. Leader:

I write to urge you to allow the Senate to complete its work on juvenile crime legislation this week, and to once again consider the Lautenberg amendment to require Brady background checks for all guns sold at gun shows. Although I recognize that there are many other important issues pending before the Senate, none is more timely or important than preventing youth violence.

In the wake of the Littleton shooting, there is broad national consensus that we must all accept responsibility and take action to help prevent youth violence. We in government have a special responsibility to enact and enforce common sense legislation that will help keep guns out of the hands of criminals and children. So I was pleased last week when the Senate voted to ban the importation of large capacity ammunition magazines, as well as the juvenile possession of all assault rifles and large capacity clips. Passing these proposals was a step in the right direction.

I remain deeply disappointed, however, that the Senate has failed to take meaningful action to prevent criminals from getting firearms at gun shows. The Senate-passed amendments on gun shows have not only failed to close the loophole in current law that allows criminals and young people to buy firearms at gun shows without so much as a Brady background check, they also will open up new loopholes in the law that will make it easier for criminals to get guns and more difficult for law enforcement to its job. Frankly, this language is simply unacceptable and should not stand. Instead, the Senate should reconsider Senator Lautenberg's amendment, with all members present, and close the gun show loophole once and for all.

Over the past few years, we have made steady progress against crime by working together. Our efforts, and those carried out in communities across the nation, are showing impressive results. This weekend the FBI released preliminary data for 1998 showing that crime is down for the seventh year in a row, the longest period of decline since the 1950's. I hope that the Senate will build on this progress by working together to debate and pass a tough, balanced juvenile crime bill that includes comprehensive measures to combat and prevent crime and gun violence -- and keep crime coming down in the 21st Century.

Sincerely,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-1999 17:59:26.00

SUBJECT: Education Plan Will Ensure Equality

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

TO: Jennifer M. Palmieri (CN=Jennifer M. Palmieri/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:
Education Plan Will Ensure Equality

By ANJETTA McQUEEN AP Education Writer

WASHINGTON (AP) -- The Clinton administration will propose that school districts receiving federal funds for poor students must ensure all their schools have the same class-size ratios, qualified teaching staff, course offerings and facilities, Education Secretary Richard W. Riley said Monday.

In a speech delivered on the 45th anniversary of a landmark school desegregation ruling, Riley said the plan -- among others -- will narrow gaps between the rich and poor and between minority and white students.

The proposals would impact the Elementary and Secondary Education Act, a 34-year-old comprehensive law that governs most federal education programs for students in kindergarten through 12th grade. Congress is expected to renew the act later this year.

"It is incumbent upon us to build upon the legacy of Brown," Riley said, referring to the 1954 Supreme Court ruling in Brown vs. Board of Education of Topeka, Kan. The ruling ended deliberate racial division of the nation's schools.

Riley's
Archives in
``Winning
rights campaign to
campuses.

student
also offer
college, Riley

particularly
to the next

Americans for
groups pledged
minority

survey by
the registered
action or could be

programs
and advise
Samu,
Association.

On Monday, anniversary commemorations included
speech at the Charles Sumner School Museum and
Washington, and the White House launch of
Together: Don't Erase the Progress,' a civil
bolster affirmative action programs on college

Although schools with high poverty and minority
populations had made some strides, those schools
fewer classes that help prepare its students for
said.

``Across the country, too many young people --
low income and minority youth -- never make it
level of education,' Riley said.

Nearby, at a White House conference Monday,
a Fair Chance and other civil rights and student
to improve programs that encourage women and
students to attend college.

The groups said they were encouraged by a recent
pollster Celinda Lake that found two-thirds of
voter respondents either support affirmative
convinced it's a good idea.

Students on more than 300 campuses will survey
designed to make minority students feel welcome
administrators on improving them, said Anthony
president of the United States Students

□#AP-NY-05-17-99 1743EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAY-1999 18:46:39.00

SUBJECT: kasich

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:

Note that we already opposed this...

Kasich Wants to End Racial Profiling

By John Mccarthy
Associated Press Writer
Monday, May 17, 1999; 6:25 p.m. EDT

COLUMBUS, Ohio (AP) -- Rep. John Kasich brought his campaign for the Republican presidential nomination home today, telling a civil rights group that police should never detain people simply because of their race.

Kasich, chairman of the House Budget Committee, said the practice known as ``racial profiling'' should stop.

``I think it is an insidious action that has gone on in too many parts of America,'' Kasich said at a news conference before delivering a speech at the Columbus Urban League's annual awards luncheon.

``Those kinds of actions that divide this country have to be ended.''

The Justice Department has been investigating complaints by blacks and Hispanics that they are more likely to be targeted by police and customs inspectors for traffic stops and searches.

New Jersey Gov. Christine Todd Whitman, also a Republican, recently acknowledged that state troopers treated blacks and Hispanics more aggressively than whites during traffic stops on the New Jersey Turnpike. Similar accusations have been made in Florida, Maryland, Connecticut and elsewhere along the Interstate 95 corridor.

President Clinton called for an end to the practice during a radio speech in

March.

innocent and that's just
not the way America should be," Kasich said.

being forced on
of all backgrounds
The Ohio congressman said he is against racial quotas
employers, but supports aggressive recruiting of people
by the business world.

like so many beans
said. "I don't think people
in America see the value in quotas today."
and should be an effort to unify this country," he

a run for the
campaigning in New
support among
released early this
Kasich has formed an exploratory committee looking into
Republican presidential nomination and has been
Hampshire, Iowa and California. He drew 1 percent
Republicans in a national CNN-USA Today-Gallup poll
month.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:17-MAY-1999 19:14:33.00

SUBJECT: House GOP Maps Cuts in Bills

TO: Elliot J. Diring (CN=Elliot J. Diring/OU=CEQ/O=EOP@EOP [CEQ])
 READ:UNKNOWN

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

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

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

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

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

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

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

TEXT:

House GOP Maps Cuts in Bills

By ALAN FRAM Associated Press Writer

WASHINGTON (AP) -- Bills covering education,
 environment and other traditional Democratic
 priorities face
 billions of dollars in cuts next year under
 emerging Republican
 plans. The proposals signal bitter clashes ahead
 within
 Congress and between lawmakers and President
 Clinton.

Honoring tight spending limits agreed to in the
 1997
 budget-balancing deal, the House Appropriations
 Committee
 plans to decide this week how it would divide
 \$538 billion
 among 13 bills covering all government agencies.

That
budget, including
benefits and

Associated Press,
use \$78.1
Human
this year. That
other programs
nasty partisan

bills, the committee
Justice and State
this year; \$11.3
billion less; and
and Urban
Protection
below this

additional billions in
-- money that
with that extra
short compared
amounts Clinton

whether bills at such
Congress, let

House, Rep. Ralph
interior

represents almost a third of the entire federal
everything but automatic payments like Medicare
interest to bond holders.

The committee's blueprint, obtained by The
shows that the appropriations committee plans to
billion for the Labor, Education and Health and
Services departments -- \$10.7 billion less than
measure is home to schools, job training and
that produce annual battles between Democrats and
Republicans, and the proposed cut assures a
fight.

Of the other three, large domestic spending
would spend \$30.5 billion for the Commerce,
departments, which is \$2.8 billion less than
billion for the Interior Department, or \$2.7
\$66.2 billion for the Veterans Affairs, Housing
Development departments, the Environmental
Agency and other agencies, which is \$5.8 billion
year's level.

These committee figures do not include
so-called emergency spending enacted this year
does not count against spending limits. Even
money, however, the fiscal 2000 bills come up
to this year, and even shorter compared to the
would like to spend.

The cuts appear so deep that it is unclear
low levels can even pass the GOP-controlled
alone get signed by Clinton.

When asked whether his bill would pass the
Regula, R-Ohio, chairman of the committee's

difficult.'

appropriations
yet.'

bills have just
actual
could become law

Republicans to exceed
appropriations
totaled \$13.7
amount leaders plan

annual series of
what looked like

and some
will have to be
tough.

publicly that the
Senate's
say.

Senate Majority
interview. 'We knew the

federal surplus,
surpluses
leaving less money
and protecting

subcommittee, said: 'I think it will be

When asked about the strategy for passing the
bills, Regula said: 'I haven't heard of one

Most of the other, smaller domestic spending
minor differences between GOP plans for 2000 and
totals from the current year. Several of them
with relatively little controversy.

But in one indicator of the pressure on
spending limits, a bill approved Friday by the
panel's Treasury-Postal Service subcommittee
billion -- more than \$140 million above the
for that subcommittee to spend.

Under the budget-balancing deal, an escalating,
savings were planned in an effort to eliminate
a parade of unending federal deficits.

Since the beginning of this year, many Democrats
Republicans have said this year's spending limit
breached because the required savings are too

But Republican leaders have continued to insist
so-called spending caps must be obeyed. The
spending plans are similar to the House's, aides

'I think we should stay within the caps,' said
Leader Trent Lott, R-Miss., in a brief
caps would pinch.'

To spend beyond those limits means using the
and that would mean spending Social Security
Republicans have promised to not spend or
available to pay for the tax cut. Cutting taxes

and jeopardizing

13 annual

without prompting a

spending weeks

Republicans are

Security and tax cuts.

goals, and to ensure

are broken, that

blame.

Social Security are both major GOP priorities, either would outrage conservatives.

It is unclear how Republicans plan to move all spending bills through Congress, and do so veto fight with Clinton.

Some GOP aides said their strategy calls for this summer focusing on the message that honoring spending limits to protect Social Security and tax cuts. The goal is to identify the GOP with those honoring spending limits to protect Social Security and tax cuts. The goal is to identify the GOP with those that in the likelihood that the spending caps Clinton and congressional Democrats are to

□#AP-NY-05-17-99 1736EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAY-1999 19:50:53.00

SUBJECT: Property Act Reform & Homelessness

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

READ:UNKNOWN

TEXT:

There are several proposals in play to reform the Property Act so that agencies will have the ability to sell excess property and keep some of the proceeds, an ability they currently do not have. Currently, if an excess property is suitable for homeless use, the agencies have to offer the actual property to the homeless. The proposals under consideration do not retain the option to let the homeless receive the property but rather permit these groups to receive 10 percent of the proceeds of the sale. The homeless advocacy groups, HUD, and Democrats on the Hill vigorously oppose any proposal that no longer permit the homeless to receive the actual property.

The two main proposals are: (1) a VA demonstration project that would permit VA to sell 30 properties over 5 years and keep 90% of the proceeds and give 10% to the homeless; and (2) a broader GSA proposal to allow all agencies to keep 90% of the proceeds and give 10% to the homeless.

Everyone agrees that the current system for giving excess property to the homeless is not as efficient as it should be (time frames could be shortened, etc.). In addition, there is a general feeling that there are no incentives for the agencies to get rid of excess property because they do not get anything in return. We are currently in the process of trying to come up with an Administration proposal that would try to take into account everyone's concerns but still allow homeless groups the first option to receive the actual property, but allow agencies to sell the property in a timely manner.

The issue is that this week VA will be testifying on an omnibus bill that includes the VA demo language, but that does not allow the homeless to still get the property. We should work to make sure that we do not box ourselves in before we come up with an Administration position.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAY-1999 20:08:39.00

SUBJECT: OFCCP Wage Data Issue

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

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

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

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

TEXT:

You asked about Labor's Office of Federal Contract Compliance Programs (OFCCP) request to collect wage data from contractors scheduled for compliance reviews at an early stage of the compliance review process. OFCCP is asking for companies to send in this data to them so that they don't have to go onsite to as many contractors. Unless Labor asks for another extension, the issue of whether Labor's request falls under the Paperwork Reduction Act (PRA) must be resolved by May 31. Josh Gotbaum met with Labor last Friday to go over the outstanding issues. The main procedural issue is whether this request falls within the "administrative action or investigation" exemption of the PRA. If Labor's request is exempted from the PRA, then Labor does not need to weigh the burden hours to federal contractors in complying with Labor's request for data. Currently, as written, Labor's request asks for individual pay records for every employee at specific locations of about 4000 federal contractors. Sally Katzen and OMB both believe this request should be covered by the PRA and the burden to employers should be weighed.

On the merits, OMB does not disagree that Labor can ask for pay data at this early stage of the compliance review process. However, OMB would disagree with the contractors having to provide the individual pay records from every single employee at a certain location. OMB would suggest that these 4000 or so contractors instead provide a summary form showing the average pay for each occupation or some other method that would be less burdensome to the contractors and more useful to OFCCP, e.g., doing some kind of subset of the 4000 contractors. OFCCP has indicated informally (the Solicitor's Office may not agree) that they may be amenable to limiting it to employers above a certain size.

Chuck Ruff is going to meet with Sally Paxton on Wednesday to go over this issue. He is expected to agree that this should be covered by the PRA.