

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 051 - FOLDER -006

[05/19/1999-05/20/1999]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAY-1999 12:05:38.00

SUBJECT: Weekly Strategy Meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TEXT:

The weekly 5:15 p.m. Education Strategy Meeting for tomorrow, May 20, is
CANCELLED.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Christopher Edley, Jr." <edley@law.harvard.edu> ("Christopher Edley, Jr."

CREATION DATE/TIME:19-MAY-1999 09:19:50.00

SUBJECT: Native American Chapter challenges

TO: Elizabeth K. Belenis (CN=Elizabeth K. Belenis/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: aedmonds1@home.com (aedmonds1@home.com [UNKNOWN])
READ:UNKNOWN

TEXT:

Attached memo is an effort, triggered by comments, to beef up the Native Americans chapter of the race book. Developed in consultation with Mary Smith and Lynn Cutler.

Basic strategy is to get feedback from POTUS before making wholesale changes in the draft.

- NA-IDEAS2.WPD===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D98]ARMS24163215L.136 to ASCII,
The following is a HEX DUMP:

FF5750430A0C0000010A02010000000205000000A42600000002000069BB6904F7CF2BEE126FD1

83E9530C23FB99BAEAA0D34670B3CF9DEE3AADDE758EC93FA89CD6465CB2C36B6AB6F08BCE1B80
412E68E9754FD7853AE76DOCB151C41C96CBC0C22277F4E4178A51C355A2337B47010CF499B86A

May 19, 1999

To: Maria Echaveste
Bruce Reed
Lynn Cutler

From: Christopher Edley, Jr.

Cc: Todd Stern, Elena Kagan, Ben Johnson, Mary Smith

Re: Native American Chapter of the Race Book

As we ride down the home stretch, the question is whether we've done what we should in the Native American chapter, which was drafted principally by Mary Smith of DPC. Mary consulted widely and vetted things quite well. (Terry Edmonds, of course, edited and added some things.) I'm concerned, however, that the vetting – and especially the review by OMB – have resulted in something that is simply too tame.

Don't get me wrong: I'm quite proud of the draft chapter as it stands. The reader will learn a lot, and the proposed policy steps are creditable. In particular, they try to avoid the "over-promising" syndrome so toxic in Indian Country. But as welcome as the analysis and ideas will be, the proposals don't exactly rock.

So, I was thinking about giving POTUS something like the attached memorandum along with the chapter. Please let me know your thoughts, at edley@law.harvard.edu.

Thanks.

DRAFT

To: POTUS

From: Edley

Re: Native American Opportunity Section of Your Race Book

Are the policy ideas in this section bold enough? Recall that the draft chapter is organized around Education, Economic Development and Community Security.

The central rationale for moving along the lines below would be that, while budget constraints and lack of Hill support make any near term victory unimaginable, if you don't put some bold ideas on the table there will never be the kind of conversation which might, over time, change the political and fiscal constraints that now keep us from making giant strides.

If you are interested in any or all of these, we will move them forward with the policy councils. As with most other book ideas, however, if we proceed with these ideas they should be presented in a long-term framework, so as not to raise expectations of more than a down payment in the FY 2001 budget.

1. Sovereignty: Build on your government-to-government framework by directing agencies to:

- (a) systematically inventory all the major grant-in-aid programs serving state or local governments and assess whether Tribal governments are included as direct recipients of federal funding (as need and capacity warrant);
- (b) submit recommendations to the White House (OMB) concerning places where regulations or statutes should be modified to remove impediments to creating the appropriate government-to-government relationship.

2. Education: Build on the One America vision of closing racial disparities by *either*:

- (a) state a goal of improving the quality of BIA schools to at least equal the quality of DOD schools, as measured by resource equity and student achievement; *or*
- (b) state a goal of improving the quality of BIA schools to at least equal that of state/local public schools in the surrounding region.

Please note that the costs of eliminating the capital maintenance backlog of BIA schools is an estimated \$1 billion. And that is only one item of the equity agenda.

3. Child Health Disparities: Although Indian country health needs are extraordinarily compelling, these were a late, post-announcement addition to your disparities initiative last year, and the IHS remains deeply troubled. You could set a national goal of eliminating the disparities in these five key areas of Native American health care:

1. Reduce the rate of diabetes among the Native American population to the national average (currently three times the national rate);
2. Reducing by 50% the Sudden Infant Death Syndrome (currently twice the national average);
3. Detection, prevention, and screening for breast and cervical cancer in American Indian women in order to improve survival rates;
4. Reduce the rate of teen suicide in Indian country; and
5. Reduce smoking and alcohol abuse.

5. Economic Development: You could also work to improve economic development in Indian Country by working with the Federal Communication Commission (FCC) to have the FCC help ensure that geographically isolated tribes receive access to telecommunications advances to the same extent that other areas of the country do. Chairman Kennard is very interested in this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAY-1999 20:54:15.00

SUBJECT: OFCCP Wage Collection

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

As you know, last week Josh Gotbaum met with Labor in order to resolve the issue of OFCCP's request to collect wage data from the 4000 or so federal contractors that are scheduled for compliance reviews. The main issue is whether this request is covered under the Paperwork Reduction Act, and, accordingly, whether burden to the contractors in answering this request must be considered. OMB and Sally Katzen firmly believe that this request is covered by the Paperwork Reduction Act as it always has been in the past.

On the merits, OMB agrees that Labor can ask for wage data at this early stage of the compliance process. OMB would simply suggest that Labor either ask for the data in a summary format or target the request in some way.

Since Josh's meeting last week, Sally Paxton came here today and met with Chuck Ruff. Chuck now wants to have a meeting with you, Sally Katzen, and Josh to discuss where you all are at on this issue. Chuck has scheduled this meeting for 1:15 p.m. on Friday in his office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:19-MAY-1999 10:56:15.00

SUBJECT: NIH Bumpers Building Dedication

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

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

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

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

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

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

TEXT:

I wanted to let everyone know that the President's scheduling office is putting the NIH Bumpers Building Dedication on the President's schedule for Wednesday, June 9.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAY-1999 12:44:40.00

SUBJECT: New Gun Show Amendment

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

BR/EK:

Here are the current changes that have been incorporated into the new Lautenberg/Kerry amendment on gun shows. There are a few more than what I previously mentioned.

1. Narrows gun show definition to events where 20% of exhibitors are firearms exhibitors, there are more than 10 firearms exhibitors, or 50 or more firearms are for sale;
2. Drops the exhibition of a firearm from the definition of a firearms transaction;
3. Limits keeping of Brady/NICS records to 90 days;
4. Drops advance notification to ATF of all gun shows;
5. Drops requirement on gun show promoters to send ledger of participants to ATF (However, promoters would still be required to keep such ledgers); and
6. Clarifies that amendment does not require unlicensed sellers to keep records (only federal dealers that conduct checks for them).

jc3

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAY-1999 14:24:18.00

SUBJECT: Change to title XI

TO: Bethany Little (CN=Bethany Little/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Wayne Upshaw (CN=Wayne Upshaw/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Wei-Min C. Wang (CN=Wei-Min C. Wang/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Please review ED's suggestion below on Title XI and give me your reaction as soon as possible, so that ED can finalize the bill today. Thanks.

----- Forwarded by Constance J. Bowers/OMB/EOP on
05/19/99 02:21 PM -----

"Orzechowski, Jennifer" <Jennifer_Orzechowski@ed.gov>

05/19/99 02:15:32 PM

Record Type: Record

To: Constance J. Bowers/OMB/EOP, Wei-Min C. Wang/OMB/EOP
cc: "Kristy, Jack" <Jack_Kristy@ed.gov>, "Ramirez, Heidi"
<Heidi_Ramirez@ed.gov>
Subject: Change to title XI

This is from Jack Kristy.

Wei-Min, et, al,

After struggling with all of the issues and options raised, it seems that neither our current language nor Elena's testing language would clearly prohibit states from having separate (distinct from reading, math, etc.) English proficiency standards and using those standards to retain/promote LEP students. It seems our policy goal is to do that, except in making

"(D) are valid and reliable for the purposes for which they are used and must fairly and accurately measure what students have been taught;

"(E) provide reasonable adaptations and accommodations for students with disabilities and students with limited English proficiency;

"(F) provide that students with limited English proficiency are assessed, to the greatest extent practicable, in the language and form most likely to yield accurate and reliable information about what those students know and can do; and

"(G) provide that Spanish-speaking students with limited English proficiency are assessed using tests written in Spanish, if Spanish-language assessments are more likely than English-language tests to yield accurate and reliable information on what those students know and can do.

"(c) PLAN CONTENT.-(1) A State shall include in its accountability plan under section 11208 a detailed description of-

"(A) its policy under subsection (b), in accordance with paragraph (2);

"(B) the strategies and steps (including

timelines and performance indicators) that the State will take to ensure that its policy is fully implemented no later than four years from the date of the approval of its accountability plan; and

"(C) the steps that the State will take to ensure that the policy is disseminated to all local educational agencies and schools in the State and to the general public.

"(2) A State policy under subsection (a) shall provide that no student with limited English proficiency may be denied promotion under subsection (b) (1) (B) because of a lack of English proficiency, other than graduation from secondary school.

"ENSURING TEACHER QUALITY

"SEC. 11205. (a) IN GENERAL. A State that receives assistance under this Act shall, at the time it submits its accountability plan under section 11208, have in effect a policy that—

"(1) is designed to ensure that there are qualified teachers in every classroom in the State; and

"(2) meets the requirements of this section.

"(b) POLICY. A policy to ensure teacher quality under this section shall include the strategies that the

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Christopher Edley, Jr." <edley@law.harvard.edu> ("Christopher Edley, Jr."

CREATION DATE/TIME:19-MAY-1999 09:19:43.00

SUBJECT: Native American Chapter challenges

TO: Elizabeth K. Belenis (CN=Elizabeth K. Belenis/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

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READ:UNKNOWN

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

TO: aedmonds1@home.com (aedmonds1@home.com [UNKNOWN])
READ:UNKNOWN

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D90]ARMS239532154.136 to ASCII,
The following is a HEX DUMP:

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412E68E9754FD7853AE76D0CB151C41C96CBC0C22277F4E4178A51C355A2337B47010CF499B86A
727D7FC8CB4016CC21759A55D2216F5CDA4D96459E07DA3DC6203C0FF9B79766572FB3FB3CDDF2

May 19, 1999

To: Maria Echaveste
Bruce Reed
Lynn Cutler

From: Christopher Edley, Jr.

Cc: Todd Stern, Elena Kagan, Ben Johnson, Mary Smith

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAY-1999 09:52:23.00

SUBJECT: NACARA Internal Qs and As

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

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

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

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

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

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

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

TEXT:

I am sending you by fax INS's internal Qs and As on the NACARA reg.

Fyi - the INS briefed a small group on these regs and they were very pleased and look forward to discussions about legislation.

Maria - in follow up to your question - INS clarified that the NACARA regs are interim rule because they are slight departure from the proposed rule particularly on the presumption issue and therefore, they are requesting comments and the rule would be effective 30 days after publication.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAY-1999 09:47:24.00

SUBJECT: Re: ftc

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

If we're still looking to do things on the Hollywood front, what about advocating for additional content standards in the movie ratings?

The movie rating system has been subject to quite a bit of criticism because it is only an age-based, rather than a content-based system. The MPAA sees the movie and gives it a an age rating, but doesn't widely publicize why the movie got the rating it did, e.g., was "Scream" rated R for violence and gore, or for sexual content. Right now the rationale for the MPAA's movie rating is provided in movie ads on the Internet and in some newspapers, but is not provided in television ads for movies or on movie posters and the like. For example, on the Internet, a parents' rating guide is available that describes what aspect of the movie, e.g. strong language, sexuality or horror violence, earned the film its rating.

Also, the TV ratings system was originally modeled on the movie ratings system, and because of the criticism of the lack of content in their ratings, the networks eventually added in content standards.

At the very least, we could advocate for wider publication of the rationale for the movie rating, so people, particularly parents, have a better sense of what they are going to see. There seem to be a lot of steps they could take on this front.

I'm happy to pursue more research of this issue, if you think that makes sense.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Christopher Edley, Jr." <edley@law.harvard.edu> ("Christopher Edley, Jr."

CREATION DATE/TIME:19-MAY-1999 09:19:19.00

SUBJECT: Native American Chapter challenges

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

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

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

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

TO: aedmonds1@home.com (aedmonds1@home.com [UNKNOWN])
READ:UNKNOWN

TEXT:

Attached memo is an effort, triggered by comments, to beef up the Native Americans chapter of the race book. Developed in consultation with Mary Smith and Lynn Cutler.

Basic strategy is to get feedback from POTUS before making wholesale changes in the draft.

- NA-IDEAS2.WPD===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D64]ARMS29053215F.136 to ASCII,
The following is a HEX DUMP:

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83E9530C23FB99BAEAA0D34670B3CF9DEE3AADDE758EC93FA89CD6465CB2C36B6AB6F08BCE1B80
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441BF3F1A835C7DFB55D806B8D90405AC5BF0360287797BB4269BAAD2F4932ED7D5A2253EC2459

May 19, 1999

To: Maria Echaveste
Bruce Reed
Lynn Cutler

From: Christopher Edley, Jr.

Cc: Todd Stern, Elena Kagan, Ben Johnson, Mary Smith

Re: Native American Chapter of the Race Book

As we ride down the home stretch, the question is whether we've done what we should in the Native American chapter, which was drafted principally by Mary Smith of DPC. Mary consulted widely and vetted things quite well. (Terry Edmonds, of course, edited and added some things.) I'm concerned, however, that the vetting – and especially the review by OMB – have resulted in something that is simply too tame.

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So, I was thinking about giving POTUS something like the attached memorandum along with the chapter. Please let me know your thoughts, at edley@law.harvard.edu.

Thanks.

DRAFT

To: POTUS

From: Edley

Re: Native American Opportunity Section of Your Race Book

Are the policy ideas in this section bold enough? Recall that the draft chapter is organized around Education, Economic Development and Community Security.

The central rationale for moving along the lines below would be that, while budget constraints and lack of Hill support make any near term victory unimaginable, if you don't put some bold ideas on the table there will never be the kind of conversation which might, over time, change the political and fiscal constraints that now keep us from making giant strides.

If you are interested in any or all of these, we will move them forward with the policy councils. As with most other book ideas, however, if we proceed with these ideas they should be presented in a long-term framework, so as not to raise expectations of more than a down payment in the FY 2001 budget.

1. Sovereignty: Build on your government-to-government framework by directing agencies to:

- (a) systematically inventory all the major grant-in-aid programs serving state or local governments and assess whether Tribal governments are included as direct recipients of federal funding (as need and capacity warrant);
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2. Education: Build on the One America vision of closing racial disparities by *either*:

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Please note that the costs of eliminating the capital maintenance backlog of BIA schools is an estimated \$1 billion. And that is only one item of the equity agenda.

3. Child Health Disparities: Although Indian country health needs are extraordinarily compelling, these were a late, post-announcement addition to your disparities initiative last year, and the IHS remains deeply troubled. You could set a national goal of eliminating the disparities in these five key areas of Native American health care:

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3. Detection, prevention, and screening for breast and cervical cancer in American Indian women in order to improve survival rates;
4. Reduce the rate of teen suicide in Indian country; and
5. Reduce smoking and alcohol abuse.

5. Economic Development: You could also work to improve economic development in Indian Country by working with the Federal Communication Commission (FCC) to have the FCC help ensure that geographically isolated tribes receive access to telecommunications advances to the same extent that other areas of the country do. Chairman Kennard is very interested in this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAY-1999 10:33:22.00

SUBJECT: Draft statement

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Sorry for the delay (I didn't cancel a meeting I had scheduled for earlier)

DRAFT Language for Signing Statement

I am extremely disappointed that the Congress forfeited the federal government's claim to the \$246 billion tobacco settlement, without any commitment from the states to use a portion of the settlement funds to prevent youth smoking. Despite the fact that 3,000 young people become regular smokers every day and 1,000 will have their lives cut short as a result, most states still have no programs in place to reduce youth smoking. Congress passed up an important opportunity to protect our children from the death and diseases caused by tobacco. This is wrong. I will continue to do everything in my power to ensure tobacco settlement funds are used to reduce youth smoking and promote public health and will closely monitor state efforts in this area.

SCHEDULING PROPOSAL

TODAY'S DATE: 5/19/99

ACCEPT

REGRET

PENDING

TO: Stephanie Streett
Assistant to the President
Director of Presidential Scheduling

FROM: Bruce Reed
Assistant to the President for Domestic Policy and
Director of the Domestic Policy Council

REQUEST: National Association of Police Organizations' (NAPO) Top
Cops Event

PURPOSE: To honor police officers, selected by NAPO as TOP COPS,
for their courage and heroism in the line of duty.

BACKGROUND: NAPO is the second largest rank and file police
organization, and represents more than 220,000 sworn law
enforcement officers from 4,000 police associations and
unions across the country. The organization fights for the
rights of law enforcement officers through federal
legislation, legal advocacy and education. The TOP COPS
Awards pay tribute to law enforcement officers from across
the country for outstanding service to their communities
during the preceding year. The TOP COPS are nominated
by fellow officers and are selected from hundreds of
nominations by an awards committee.

NAPO has been extremely supportive of the President and
the Administration's anti-crime agenda, and this is their
most significant annual event.

PREVIOUS PARTICIPATION: The President attended the First Annual Top Cops Awards
in 1994. He has held Rose Garden ceremonies honoring
the Top Cops each year since then.

DATE AND TIME: Thursday, October 21, 1999 for White House Event
[Could also do WH event on Friday, October 22, 1999 if
necessary, or he could attend the ceremony that evening.]

BRIEFING TIME: 30 minutes

DURATION: 45 minutes

LOCATION: The White House (Rose Garden Ceremony) OR
Washington Hilton for NAPO TOP COPS Awards Dinner

PARTICIPANTS: Members of Congress
Local Elected Officials
Recipients of TOP COPS awards
NAPO executives and members

REMARKS REQUIRED: To be provided by speechwriting.

OUTLINE OF EVENTS: TBD

MEDIA COVERAGE: Open Press.

FIRST LADY'S ATTENDANCE: N/A

VPOTUS' ATTENDANCE: Optional.

SECOND LADY'S ATTENDANCE: N/A

RECOMMENDED BY: Bruce Reed
Jose Cerda

CONTACT: Karin Kullman
X61732

ORIGIN OF THE PROPOSAL: National Association of Police Organizations
(see attached letter)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Christopher Edley, Jr." <edley@law.harvard.edu> ("Christopher Edley, Jr."

CREATION DATE/TIME:19-MAY-1999 09:19:16.00

SUBJECT: Native American Chapter challenges

TO: Elizabeth K. Belenis (CN=Elizabeth K. Belenis/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TO: aedmonds1@home.com (aedmonds1@home.com [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D62]ARMS20053215A.136 to ASCII,
The following is a HEX DUMP:

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83E9530C23FB99BAEAA0D34670B3CF9DEE3AADDE758EC93FA89CD6465CB2C36B6AB6F08BCE1B80
412E68E9754FD7853AE76D0CB151C41C96CBC0C22277F4E4178A51C355A2337B47010CF499B86A

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAY-1999 16:06:20.00

SUBJECT: HOW THE GOVERNMENT TRACES GUNS, 200,000 TIMES A YEAR

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

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

TEXT:

fyi...jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 05/19/99
04:07 PM -----

SHIMABUKUR_L @ A1
05/19/99 03:32:00 PM

Record Type: Record

To: Leanne A. Shimabukuro, Jose Cerda III

cc:

Subject: HOW THE GOVERNMENT TRACES GUNS, 200,000 TIMES A YEAR

Date: 05/19/99 Time: 15:18

THow the government traces guns, 200,000 times a year

FALLING WATERS, W.Va. (AP) The call came in to the nondescript building in the rolling hills of West Virginia in late afternoon an urgent request for help tracing the guns used in the Littleton, Colo., high school shootings.

As night fell, two workers began calling manufacturers and poring over paper records and microfilm rolls in a laborious process propelled by a serial number. Computers were no help.

The next day, they could report some results: Two of the four guns wielded by two students to kill 12 fellow students and one teacher before committing suicide had once been sold at Denver area stores. Then the trail went cold. It was up to police in the field to track those guns the rest of the way to the shooters and to find sources for the other two guns.

The process repeated 200,000 times a year is an example of how the nation's gun laws actually work in practice, both in their power and their limitations.

Despite the difficulties, federal agents at the Bureau of Alcohol, Tobacco and Firearms, spurred by the Clinton administration, have dramatically increased the number of traces done on guns confiscated at crime scenes. The nearly sevenfold increase, up from just 30,000 a decade ago, is part of an effort to solve crimes and to find patterns of illegal trafficking.

But agents must walk a political tightrope, taking care not to trample gun owners' rights under strict limits set by Congress, including a blanket prohibition against any computerized master list of gun owners.

The issue is at the heart of the current gun debate in Congress, as lawmakers try to balance the goals of keeping firearms from

criminals and other illegal users while keeping them accessible to law-abiding people.

The National Rifle Association, fighting some proposals for further restrictions on guns, says it supports efforts to crack down on illegal traffickers but questions why that hasn't led to more federal prosecutions.

"If enhanced gun-tracing efforts allow them to target traffickers, we support that," said James Baker, the NRA's chief lobbyist. "But you'd figure if they were doing more investigations, it should result in more prosecutions, not less."

The Clinton administration says ATF increasingly shares its tracing data with local police who pursue more prosecutions under state laws.

What agents can trace is limited. They start with a gun's make and serial number, moving forward from the manufacturer to a wholesaler and distributor to the first retail sale by a federally licensed gun dealer. All sales by licensed dealers must be recorded, and those records must be provided to ATF if it asks.

After that, however, any sales by individuals or by collectors at gun shows, for example, are considered private and exempt from recording requirements. That is where ATF's Littleton trail ended.

The lack of high-technology also limits the tracing. Licensed dealers' records are usually handwritten, sent to ATF in dusty boxes when a dealer goes out of business. Workers sitting in front of screens search fuzzy microfilmed copies for a serial number that might be duplicated 10 times by different manufacturers.

The center manages to trace a gun to its first retail sale about 52 percent of the time, according to the agent in charge, Forest Webb.

Each time it does, agents enter the information into a database that is the backbone of the center's second function to help police look for patterns of suspicious gun sales.

Using such tracing data from 27 cities, for example, ATF discovered earlier this year that one-third to one-half of the guns juveniles used in crimes were bought from licensed dealers by someone acting as a "straw" intermediary, such as a girlfriend or trafficker. Only 35 percent had been stolen, puncturing a long-standing belief.

ATF agents increasingly work with police in cities such as New York, Dallas, Washington, Boston and Los Angeles to seek such patterns to solve specific crimes or look for bad dealers, said Scott Pickett, the center's deputy chief.

In one recent case, a gun at a Baltimore murder scene was traced to a sale in Ohio. The man who had bought the gun, whose name was in the dealer's records, was living in the Baltimore home of the main murder suspect. Police had no physical evidence tying the suspect to the murder scene until they traced the gun to his tenant.

In another case, hundreds of guns seized in drug and other crimes were traced to a dealer who had just opened a store, said Rich Young, an ATF agent who used to work in Baltimore and now trains other agents. Detectives examining his books realized many sales hadn't been recorded. He was convicted of illegal trafficking, was sent to jail for a year and lost his license.

For years, police focused on trying to reduce violent crime by fighting drug trafficking, Pickett said.

Now they realize, "If you trace every gun (used in a crime), in six months you'll start seeing crime drop," Pickett said. "That's the core of what we do here."

APNP-05-19-99 1521EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 11:51:01.00

SUBJECT: latest grambling draft

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

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

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

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

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

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

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

TEXT:

Draft 5/20/99 11:45 am
Glastris/Shih

PRESIDENT WILLIAM J. CLINTON
□&NEW TOOLS FOR PARENTS IN THE NEW ECONOMY□8
COMMENCEMENT ADDRESS
GRAMBLING STATE UNIVERSITY
GRAMBLING, LOUISIANA
MAY 23, 1999

When I heard that I□,d been invited to Grambling State University, there wasn□,t much discussion about whether or not I would be here today. I told my staff in Washington, a place where everybody thinks they□,re somebody, that I wanted to go to a □&Place Where Everybody is Somebody.□8 [school motto] And I was not about to miss a chance to see the □&Best Band in the Land□8 -- the Grambling State Marching Tigers -- play without having to buy a ticket to the Super Bowl [they have played in four].

It is an honor to join the last Grambling class of the 20th Century on this very important day in your lives. In so many ways, the story of this fine institution embodies the African American experience in our 20th century. In 1901, not a single school in this part of Louisiana would welcome an African-American student into its classrooms. But the visionary farmers of this community -- the children and grandchildren of

slaves -- were determined to give their children the education, the pride, and the power to rise above bigotry and injustice. They raised some money for a school -- and wrote to Booker T. Washington, asking him to send a teacher from the Tuskegee Institute to establish it.

Out of that determination and vision, Grambling has grown into a university for the 21st Century. This beautiful campus has nurtured some of America's best educators and lawyers, pastors and public servants, nurses and business leaders. Of course the NFL recruits here -- a legacy of your legendary coach Eddie Robinson and his successor, Superbowl MVP Doug Williams. America's top technology firms do too, because Grambling State is first among all four-year colleges in conferring Computer and Information Science degrees to African-Americans.

You join in a proud tradition and I congratulate each of you on your achievement. This day marks years of hard work, long hours and late nights. The friends you've made will be your friends for life. The knowledge you have gained will enrich you for life. The possibilities before you are limited only by your dreams.

-- some of you joining your parents and grandparents, others of you the first in your families to earn a college degree.

And I congratulate and honor your parents, who should be proud not only of you, but of themselves. I understand that one of the most beloved Presidents of Grambling, Ralph Waldo Emerson Jones would often say to his students, "When you go home, be sure to kiss everybody, including the mule. Because the mule is the one who pulls the plow and keeps the family going." Well, I'm not asking you to kiss any mules today, but I am asking each of you to thank the people who kept your families going.

To raise a child from infancy to college graduation is no small feat. Every parent has a story -- a story of sacrifice, of love, of late night worries and silent hopes. Joyce Gaines of Vallejo, California, who took on two extra jobs so that her daughter Tiaesha could go to college. Even though she was suffering from five ruptured disks, Ms. Gaines commuted 100 miles each way to work for a company in Sacramento. It was worth it. Today Tiaesha is graduating with a degree in Sociology and plans to open a home for abused children [Think other heroic stories of Grambling parents...a husband and wife who worked double shifts; a sandwich generation parent caring for both children and elderly relatives.] Today, the burdens of parents are often doubled, as they care not only for growing children but for aging parents. We must do more to lighten their load and help parents succeed at home and at work -- especially now, as we face the new challenges of the new economy.

This spring, in commencement addresses to the class of '99, I will be speaking about how a bold new economy is transforming virtually every facet of our lives. Next month, at the University of Chicago, I will talk about how we must put a human face on the dynamic but sometimes disruptive international marketplace. And today, I want to talk about how we as a nation must respond to the new challenges facing families in the new economy. We must reshape our institutions in ways that give parents more time at home. No government can raise a child. Mothers and fathers do. But we have a duty to help parents -- to give them the tools they need to meet their responsibilities at home and work; and to pass on their values to their children.

The class of '99 is entering an era of unparalleled opportunity and possibility. We all know that this is the strongest peacetime economy

in American history. We all know that it is an economy driven by information and fast-paced technological change. But what we are now beginning to understand is that the best may be yet to come. A productivity explosion, powered by technology (1) from the E-mail that links offices around the world to the computers used to track warehouse inventory (2) is now being fully felt throughout the economy. America has a tremendous capacity for more growth, greater investment, higher salaries, and even faster technological innovation. With your diplomas in hand, you will have the opportunity to help shape these times, and to lead lives of greater accomplishment and affluence than your parents ever dreamed of.

But as your parents can attest, we still have far to go before we have fully adapted to the demands of this new era. In our modern economy, companies compete not just with others down the street, but with firms across the globe. To stay competitive, they have had to produce more with fewer employees -- and the pace of work has picked up. Jobs today feel like two jobs. And to make ends meet, many people have had to take on yet another job. Working parents are feeling enormous stress -- and they are bringing that stress home with them.

This will only get worse as the Class of 1999 moves through its careers. It may seem a million years away to those of you graduating today, but soon, many of you will become parents -- some of you may already be parents. Working at nine at night may seem routine to you now, but soon enough, you will want to be home at nine at night, putting your children to bed. We must have an economy that allows you to do that.

Last year, I asked the President's Council of Economic Advisers to study the sweeping changes the new economy has brought to our families. It has been said that if every economist on Earth were laid end to end they still wouldn't reach a conclusion. But on this question a team of the nation's top economists has reached a conclusion, one that confirms our common sense and common experience. They found that because more and more parents are working outside the home, they have less time for their children. The percentage of married mothers in the workforce has nearly doubled in a generation, from 38 percent in 1969 to 68 percent in 1996. To African Americans, that is nothing new. African American mothers have always had to work outside the home. Today, all of America is experiencing challenges African Americans have always known.

Because more mothers are working outside the home, and because the number of single parent families has grown, parents in the average family have 22 fewer hours per week to spend at home.

The vast majority of today's parents are doing everything they can to give their children whole and happy childhoods. But no matter how hard they try, they worry that it is still not enough. They worry that waking up early and staying up late to make time for a child might not be enough, when that child still has to go home alone to an empty house after school. They worry that all those Sunday morning sermons about a world of love might not be enough, when the movies their children watch, the music they listen to, the video games they play show a world of hate and violence. They worry that all those nights working overtime to buy a computer so that a child can visit some of the world's finest libraries on the Internet might not be enough, when that same Internet can also lead them to recipes for pipe bombs and explosives. These challenges to parents will soon become challenges to the Class of 1999, as you start your own families. We will have to find ways of solving these challenges, and history will call upon you to be part of the solution.

America has experienced sweeping technological and wrenching social change before -- change that called our government to act to protect families. In the previous century, America moved from farm to factory. Families migrated to cities, husbands went to work in factories, and wives were left alone in cramped apartments, their children roaming the streets or, worse, toiling in dangerous factories. Alarmed by the condition in the cities, America responded with big, practical solutions -- labor unions, settlement houses, child labor laws, and universal elementary education. One hundred years ago, America made the industrial age safe for families. Today, we must make the information age safe for families.

The modern economy has created four great challenges for families.

The greatest and most obvious of these is time. In our round-the-world, round-the-clock economy, there just don't seem to be enough hours in the day for parents to do everything they need to at home and at work. I am proud that the first bill I ever signed into law was the Family and Medical Leave Act. Since 1993, millions of Americans have used it to take up to 12 weeks of unpaid leave to care for a newborn or sick relative without losing their jobs. But the current law meets just a fraction of the need. Too many people and too many family obligations are not covered by this law. And nearly two-thirds of all eligible workers do not take advantage of family leave because they simply cannot survive without their paychecks.

We must think bigger. In 1935, the federal government created the national unemployment insurance system, which has kept tens of millions of families from losing their homes or falling into poverty when their breadwinners are between jobs. Another example tk. Today, we must set a goal that every working American can take the time they need to care for their families without losing the income they need to support their families. In the 21st Century, American working people deserve paid family leave.

Today, using my executive authority as President, I am taking important steps toward that vision. Just as the federal government was the first major employer to desegregate its workplaces, federal agencies can blaze the path towards paid family leave. That is why I am directing the Office of Personnel Management to allow all federal workers to use the sick leave they have earned for themselves to take time off to care for their sick family members. Currently, the most sick leave a worker can take in these cases is 13 days. With the new policy I am proposing today, federal employees will be able to take up to 12 weeks paid sick leave to nurse an ailing child or parent back to health.

I believe the private sector should do the same. If every company in America that offers sick leave to its workers adopted the policy we are adopting today, TK percent of all American families would have this important benefit.

We must find other creative new ways to help more Americans use benefits they have earned to finance the time off they need for their families. Several states have asked the federal government for permission to try a bold experiment: allow employees to tap the unemployment insurance balances they have accumulated so that they can have some income while they are on family leave. This is a promising experiment and today, I am taking the first steps toward granting states that permission.
[precise action TK]

I also challenge Congress to do its part. I have proposed expanding family leave to cover more workers and more parental responsibilities. And I call on Congress to act. Parents should not have to fear a boss's wrath because they left work to take a child to the doctor or call in sick to attend a parent teacher conference or volunteer in a school.

Americans believe in hard work. They put in long hours to get their jobs done -- and they're proud of it. This work ethic is the reason our economy is one of the strongest in the history of the world. But, we clearly need to find new ways to give workers more time off families.

The second challenge parents face in the modern economy is finding affordable, high-quality child care. Today, low-income families spend up to a quarter of their income on child care, and studies show that the quality of that care is usually mediocre. When parents are lucky enough to locate affordable and nurturing care for their children, they face waiting lists that take weeks and months to move. I am supporting child care subsidies and tax credits, better training for caregivers and higher standards of care. And I challenge businesses to do their part by helping their own workers find and afford quality child care.

Today, millions of working parents start eyeing the clock every day at three in the afternoon, wondering if their children have made it safely back from school, and wondering how they will fare, at home alone. The hours after the schoolbell rings and before parents come home from work are a perilous time for children, the time they are most tempted to try drugs and alcohol, and most likely to become victims of a crime. That is why I have called for tripling our investment in quality after school care. Too often, the safest, best equipped buildings for children are kept locked and shuttered in the afternoon. I challenge school districts all across America to unlock these empty classrooms and fill them with the sounds of children playing and reciting their multiplication tables.

The third challenge parents face in the modern economy is that they are physically separated from their children for longer and longer periods of time. We can close that distance by bringing back an old idea: that children can be with parents when they work. I have experienced the benefits of this myself. When I was a boy, living with my widowed mother and her parents in Hope, Arkansas, I spent many happy hours in my grandfather's tiny grocery store. I'd watch him with his customers, black and white, and usually poor. He'd give credit to whoever needed it, and they always paid him back. In that little family business, I absorbed lessons and values that have stayed with me all my life.

As a father, I have had the privilege of living, as it were, above the store, first in the Governor's Mansion, then in the White House. I can commute from my office to the family dinner table in about three minutes when the lights are with me. So I challenge more of America's employers to bring workers and their children closer together during the day, by allowing employees to telecommute -- that is, work from home with a modem. I challenge employers to opening more on-site child care centers. And I challenge them to team up with school districts to build public schools at worksites. Dozens of companies have already built such innovative public schools and I have called for a new federal program to encourage more of them. Employees who enroll their children at these workplace schools can spend more time with their children -- they can commute to work together in the mornings and do homework on the ride home at night. Workplace schools can bring parents and children closer

together.

The fourth great challenge that parents face in the modern economy is cultural. The new economy has enriched our lives with lower-priced electronic gear and a growing variety of medial entertainment. But too often, TV, radio, and the Internet bombard our children with images and ideas that no parent would ever want them to see or learn. We need tools that can protect free speech but also give parents more control over what their children see and read and hear. We are creating these tools. Soon, half of all TV sets sold in America will come with V-chips: devices parents can use to screen out sex, violence, or any program they don't want their children to see. And soon, with just the click of a mouse, 95 percent of all Internet users will be able to make offensive web-sites off-limits to their children.

Creating these kinds of tools is the responsibility of government. But the entertainment industry must do its part. I challenge the industry to stop showing guns in any ads children might see, to enforce more strictly their movie rating systems; and to determine whether that system is allowing children to see too much gratuitous violence.

If we provide these tools -- to screen out bad influences, to bring home and work closer, to improve child care, to spend more time at home -- we can help working parents succeed at the most important job of all: the job of raising children.

It is the responsibility of government to make these tools available. But is the responsibility of parents to use them. More working parents must take advantage of tools already available, such as family leave. And all across American society, we must get serious about putting our children first.

In a few years, many of you graduating today will be parents, and some of you already are. To raise your children well, you will have to make many sacrifices. But then, your parents made many sacrifices for you. I want all of you to take a minute to think of how you got to this day. How many of you would have made it if it weren't for your families? If it weren't for the precious hours your mom or dad found between shifts to help you with your homework, or read you a story. If it weren't for mornings your mother rose at the crack of dawn to go to work so that she could be home when you got back from school. If it weren't for the hugs and home-cooked meals that conveyed more powerfully than words, unconditional love, support and faith. Ask your parents today: Was it worth it?

Until you watch your own child graduate from school, you may never know just how proud your parents are today. But let me just add that all America is proud today. Congratulations.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 11:22:31.00

SUBJECT: Harkin/ESEA side-by-side

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Lawrence J. Stein (CN=Lawrence J. Stein/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: Adrienne C. Erbach (CN=Adrienne C. Erbach/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

CC: David Rowe (CN=David Rowe/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI: This memo compares the Harkin amendment on violent disabled youth and our treatment of this issue in the ESEA bill which we will send to Congress tomorrow. As the memo notes, the Harkin amendment goes significantly further than our proposal.

----- Forwarded by Barbara Chow/OMB/EOP on 05/20/99 11:17 AM -----

David Rowe

05/20/99 11:05:36 AM

Record Type: Record

To: Barbara Chow/OMB/EOP@EOP

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

Subject: Harkin/ESEA side-by-side

As requested, below is a comparison of the Harkin amendment to the Administration's ESEA reauthorization proposal, included in Title IX, Section 11206 (Sound Discipline Policy) of the Act, which addresses the

same issue.

The Harkin amendment requires school personnel to provide immediate interventions and services, including mental health services, to any child removed from school for any act of violence, including both weapons-related conduct and other violence.

Alternatively, Section 11206 of the Administration's ESEA reauthorization proposal requires States who receive ESEA funds to have a state discipline policy that requires LEAs to develop a policy that would provide appropriate counseling, mental health, and other services to students who are suspended or expelled from school.

The main differences of these two legislative proposals are that:

Right to Services: First, the Harkin amendment goes much further than the ESEA discipline policy provision in terms of the services a student is required to receive. The Harkin amendment appears to create a new fundamental right for services for all students who are suspended or expelled for any act of violence. In comparison, the ESEA proposal simply requires the States and LEAs to develop a policy to provide appropriate services to students who are suspended or expelled in order that they continue to meet the State's challenging standards.

For example, if a student throws a book across the classroom and is suspended or expelled for doing so, the Harkin amendment would require schools to provide immediate intervention services, including possibly mental health services to the student. In fact, it appears that under the Harkin amendment, the parent could sue the school for failure to provide services or mental health counseling for the suspended child.

Under ESEA, for the same child, the school would only be required to have a discipline policy to continue to provide an appropriate level of services to the child during the suspension or expulsion so that the child may continue to meet high standards. The only time mental health services are required under the ESEA are in cases where children bring firearms to school. Since the ESEA provision deals with the school's discipline policy and not the specific rights of the student to services, it appears that the parent would not be able to use the ESEA provision as the basis of a lawsuit.

Applicability: Second, the Harkin amendment is more narrowly focused, as it applies only to violence-related suspensions and expulsions. The Harkin amendment's requirements apply to any student who is suspended or expelled for any weapon related or other act of violence. On the other hand, the ESEA discipline policy applies to all students who are suspended or expelled, regardless of the reason for their suspension or expulsion.

Funding: The Harkin amendment authorizes such sums for the services schools must provide, while the ESEA reauthorization proposal just ties the discipline policy requirement to receiving ESEA funds -- it does not authorize any new funds.

Message Copied

To:

Barry White/OMB/EOP@EOP
Iratha H. Waters/OMB/EOP@EOP
Leslie S. Mustain/OMB/EOP@EOP

Daniel I. Werfel/OMB/EOP@EOP
Wei-Min C. Wang/OMB/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Eli G. Attie (CN=Eli G. Attie/O=OVP [UNKNOWN])

CREATION DATE/TIME:20-MAY-1999 19:20:09.00

SUBJECT: New faith draft

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

TEXT:

DRAFT REMARKS BY VICE PRESIDENT AL GORE
ON FAITH AND FAITH-BASED ORGANIZATIONS
Monday, May 24, 1999

I. SET-UP: FAITH AND AMERICA'S COMMON VALUES

Today, I want to talk about one of America's greatest strengths: the faith and religious values of our people.

This is a subject that has weighed on my mind especially since the awful events at Columbine High School, and the senseless shooting at Heritage High School just four days ago. We must make it easier for all Americans to live and express their own faith to strengthen the values we share.

That is in the best tradition of our nation. George Washington once said that Americans have abundant reason to rejoice that in this land, every person may worship God according to the dictates of his own heart. Religious freedom is America's first freedom. We have been proud to press for it around the world.

From the beginning of our history, refugees from religious persecution have come here for safety. My mother's family, the Lafons, were French Huguenots, driven from their homeland because of their religious faith, Protestantism. They found a new home here in America, and so did countless others.

As America's faith traditions have flourished, they have both shaped and strengthened our common values: honesty and discipline. Character and community. Belief in the family. Belief in responsibility and in responding to the needs of others.

Today, faith is showing a new and vital power at the grassroots. Community by community, a growing movement of faith- and values-based organizations are helping to meet some of our most intractable social problems challenges that had confounded us for decades: turning around the drug-addicted; moving people from welfare to work; breaking up dangerous teen gangs. In many of these efforts, faith is the leaven that rises the bread the unique and transformative ingredient that enables people to turn their lives around.

That is why I have chosen to address this subject today. Today, our nation is strong and prosperous. But we still face challenges that are moral, and spiritual challenges that tear at the fabric of our families and communities. For those who choose it, faith can be an important part of the solution.

I believe America must do more to strengthen and sustain our faith-based values in ways that also strengthen the core freedoms enshrined in our

Constitution.

II. THE NEW POWER OF FAITH-BASED APPROACHES TO SOCIAL PROBLEMS

We should start by recognizing that today, faith is at the heart of a new movement for social action in America.

It is a movement I first encountered through the annual Family Reunion policy conferences Tipper and I hold each summer where we learned how a higher example can help reconnect children with fathers who had abandoned them. In many cases, nothing else had worked -- until faith was added to the equation.

I have also seen the transformative power of faith-based approaches through the national Coalition I have led to help people move successfully from welfare to work the Coalition to Sustain Success.

In San Antonio, I met a woman named Herlinda Flores. Lilly had given up on finding work, and had gone on welfare. She had so many challenges to face. English was her second language. She didn't think she had the skills to hold a job. And she had begun to conclude that maybe she didn't deserve one. Then she signed up for job training at the Christian Women's Job Corps.

There, she met a woman who mentored through prayer and bible study, and she soon began to regain her self-confidence. Faith gave her a new feeling of self-worth, of purpose something no other program could give her. When I met her, she told me that for the first time in years, she had applied for a position at Wal-Mart. Then she looked me in the eye, and said with pride, "I know I'll get the job." She did. She was recently honored as employee of the month.

In San Francisco, I met a woman named Vicki Van Fossen. Because of a severe drug addiction, she had lost custody of her two children, lost her job, and gone on welfare. The only way back was to beat her addiction, and nothing seemed to work. Then she joined a faith-based program that was part of our Coalition to Sustain Success, and finally gained the inner strength to become clean. She regained custody of her children. And she has kept a full-time job. When I asked what she could do for others in the same bind, she said, "unfortunately, nothing -- unless they want to change first." For Vicki, it was faith that enabled her to pry open the vise grip of drug addiction.

That is why, as part of the National Drug Control Strategy I announced earlier this year, we are now doing special outreach to the faith community, to enlist them in our war against drugs.

My wife Tipper sees the power of faith through her work with the homeless at Christ House, in Washington, D.C. Many at Christ House are struggling with substance abuse and mental health issues -- but there is often a spiritual void as well. So Christ House does more than provide shelter and medical care. It creates a loving, trusting atmosphere that helps address the issues that led to homelessness in the first place. Its founder tells the story of a reporter who spent a week there, interviewing the patients. At the end of her time, she said: "What amazed me is that for all of the medical treatment, I didn't hear anyone talking about putting on bandages, or taking medication. Instead, they talk of a much deeper type of healing."

Then there is Reverend Eugene Rivers, who has been hailed for helping to

take back the worst neighborhoods of Boston through faith. He remembers a hardened gangster telling him: "I'm there when Johnny goes out for a loaf of bread for mama. I'm there, you're not. I win, you lose. It's all about being there." But Reverend Rivers resolved that he would be there, too. He was, and he faced down the gangs. He did for the children of Boston what no other program had done -- what it sometimes takes God's help for all of us to manage: he loved them, no matter how beaten down, how hopeless, how despairing.

Partly because of Reverend Rivers and his fellow faith leaders, Boston went 18 months without losing a single child to gun violence. Even Boston's most hard-boiled police and prison wardens have been surprised to see the difference that faith makes.

"You couldn't function effectively without ministers in Boston," says William Bratton, Boston's former police commissioner.

Boston's Mayor, Thomas Menino, says of faith leaders: "They have a mission. They get it done."

Ron Corbett of the State's Probation Department says, "We went through a phase where we were pretty skittish about dealing with religious organizations." Based on their success in turning around the toughest prisoners, he had to admit: "we were wrong."

I believe the lesson for our nation is clear: in those specific instances where the unique power of faith can help us meet crushing social challenges that are otherwise impossible to meet -- such as drug addiction and gang violence -- we should explore carefully-tailored partnerships with our faith community, so we can use the approaches that are working best to meet our urgent needs.

In that way, we can allow faith and religious values to play a greater role in our hardest-pressed communities, in ways that benefit us all.

III. ALLOWING FAITH IN OUR SCHOOLS, IN OUR WORKPLACE, AND IN OUR NATION

We need to do more to allow faith and values to flourish not just in our hard-pressed communities, but also in our schools, in our workplaces, and in our society at large. And I believe we can and must do so in ways that do not erode the separation of church and state.

Let's consider our schools. In Jefferson County, Colorado, I met and embraced the parents of Cassie Bernal, who died at Columbine. Her last words, as she started into the barrel of a loaded gun, were: "yes, I do believe in God."

Her faith made her strong.

When the shooting began, she was quietly reading her Bible in the Columbine library. She knew she did not have to leave her faith at the schoolhouse door.

Today, in too many communities, children and teachers are still not aware of their right to voluntarily practice their religious beliefs -- including prayer in school -- and to pursue religious activities on school grounds.

Yet studies show that children who are involved in religious activities are much less likely to use drugs. And common sense tells us that in a

culture of chaotic values, children are more likely to stay out of trouble if they are spiritually grounded.

That is why, in 1995 and again last year, our Department of Education issued clear guidelines to clear up the confusion about the kinds of religious activity that are permissible in public schools and we gave those guidelines to every school district in America.

Here is what they say: students have the right to pray privately and individually in school. They have the right to say grace at lunchtime. They have the right to meet in religious groups on school grounds and to use school facilities, just like any other club. They have the right to read the Bible or any religious text during study hall or free class time. They also have the right to be free from coercion to participate in any kind of religious activity in school.

There are some who believe we need a Constitutional Amendment to allow prayer in our schools. We already have one. It's called the First Amendment.

Since we issued these guidelines, appropriate religious activity has flourished in our schools, and there has been a substantial decline in the debate and litigation that has accompanied this issue for too long.

Two years ago, we applied the same approach to the federal workplace. We clarified that federal employees may engage in personal religious expression to the greatest extent possible, consistent with workplace efficiency and the requirements of law.

We clarified that federal employers may not discriminate in employment on the basis of religion. And we clarified that an agency must reasonably accommodate its employees' religious practices.

IV. DRAWING A CLEAR LINE: THE SEPARATION OF CHURCH AND STATE

The question now is, how do we move forward? How do we strengthen the faith and religious values that build character and community, while protecting the First Amendment freedoms that are so essential to religious freedom itself?

Let me be clear: I believe very strongly in the separation of church and state and the careful balance that has served us well since our founding.

Our founders knew history. They could look back on centuries of religious war in Europe that tore nations apart. They resolved that religious war should never tear this nation apart and the only way to do that was to allow religious freedom. The history of the United States has proven their wisdom.

But our founders also believed deeply in faith. They created the Bill of Rights in large measure to protect its free expression.

They believed and I believe that we can protect against the establishment of religion without infringing in any way on its free exercise. That belief is at the very heart of our Constitution. And we must keep on working to make it a reality in our public life.

The separation of church and state has been good for all concerned good for religion, good for government, good for those who choose not to

worship at all. It is our freedom from persecution, our absolute and unassailable choice of how to worship, that keeps religion strong.

But it is our religious values that help keep our nation strong. That is why we must always work to maintain that crucial balance. Have we gone too far in discouraging faith in our public discourse and personal lives? Have we gone too far in promoting faith and religious values?

In our founders' day, the greatest need was to protect believers of one faith from religious coercion by others. Today, we also need to ensure that believers of all faiths are free to engage in national dialogue and community action -- without feeling that they must hide their religious beliefs.

V. FOUR PRINCIPLES FOR GOVERNMENT ACTIONS

I want to suggest four simple principles to strengthen and sustain faith and religious values in America, while holding fast to our cherished Constitutional freedoms.

First, our laws and institutions should not impede or hinder, but rather should protect and preserve our fundamental religious liberties.

Second, the government should be held to a very high level of proof before it interferes with someone's free exercise of religion.

Third, whenever possible, we should help to explain and clarify the fullest allowable expression of religious beliefs that is consistent with our Constitution.

Fourth, we must consider special measures consistent with the Constitution -- when faith proves a unique and effective role in meeting our most intractable social problems.

VI. NEW POLICY PROPOSALS

Today, I would like to propose several concrete actions we can take to strengthen and promote faith-based values and approaches in our nation.

First, I call on all school districts and communities to act on our guidelines for religious expression in our schools to develop a common understanding among students, parents, and teachers that faith and the First Amendment can go hand-in-hand.

Second, I believe we need a sustained effort to protect and restore free religious expression in the federal workplaces, and in all workplaces.

And third, we can do more to help the faith-based organizations that offer new hope for social action.

The 1996 welfare reform law contained a little-known provision called Charitable Choice. It says, simply, that states can enlist faith-based organizations to provide basic welfare services, and help move people from welfare to work.

As long as there is always a secular alternative for anyone who wants one, and as long as no one is required to participate in religious observances as a condition for receiving services, faith-based organizations can

provide jobs and job training, counseling and mentoring, food and basic medical care. They can do so with public funds □) and without having to alter the religious character that is so often the key to their effectiveness.

I believe we should explore a similar, carefully-tailored extension of this approach to vital services where faith plays a unique and effective role □) such as drug treatment, homelessness, and youth violence prevention.

This extension must be accompanied by clear and strict safeguards: government must never promote a particular religious view, or force anyone to receive faith. We must ensure that there is always a high-quality secular choice available. We must prohibit direct proselytizing as part of any publicly-funded efforts. And we must establish the same clear accountability for results we expect of anyone who does the public□,s business.

But we must not be afraid to embrace faith-based approaches that advance our shared goals as Americans.

There is one more step we should take. It is currently common practice for employees at an average company to contribute to a wide range of charities, and have their donations matched by the company up to an annual limit. But rarely are faith-based programs approved for such matches, perhaps because we are just starting to realize the role they are playing. I call on the corporations of America to encourage and match contributions to faith- and values-based organizations. We need to make sure their efforts are recognized and supported, across America.

VII. CONCLUSION

America□,s national identity is not shaped solely by Catholic, Protestant, Jewish, Muslim or Hindu traditions. But we are a people who believe that these and other faith traditions contribute to the formation of values with which we agree to live out our common lives together.

I am a Baptist. My faith has always sustained me; I believe in serving God and trying to understand and obey God□,s will for our lives. That belief is what led me to explore my own faith in Divinity School when I returned from Vietnam. And throughout my life, it has called me to try to deepen my understanding of the human soul, and bring my actions, thoughts, and feelings into harmony with God□,s will.

I want to create the kind of America where people can practice their faith, and use religious insights to illuminate all the questions our society is asking: how do we respect one another and live in peace and safety in our neighborhoods? How do we preserve and strengthen our families? How do we teach our children to live together? How do we give hope to the hopeless, and help to the helpless? How do we protect the weak □) and teach restraint to the strong?

Mother Theresa once said, □&Plant the act, reap the habits. Plant the habits, reap the virtue. Plant the virtue, reap the character. Plant the character, reap the destiny.□8

Religion helps to give our people the character without which a democracy cannot survive.

Through our faith and our best values, we can become an America that is

not just better off, but better. And in so doing, we can serve as I believe God meant us to -- as a light to this ever-shrinking world. Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 18:50:09.00

SUBJECT: OFCCP Wage Data

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

As you know, Chuck Ruff is having a meeting tomorrow at 1:15pm with Josh Gotbaum and Sally Katzen to discuss the issue of whether OFCCP's request falls under the Paperwork Reduction Act, requiring the burden on employers to be considered. Sally and Josh both think that it falls under the Paperwork Reduction Act. Chuck has told Tom that his instinct is that the Act applies. In case you are unable to attend the meeting, I or Tom were going to say the DPC position is that it falls under the Act and that burden needs to be considered. Let me know if you have a problem with that. Thanks, Mary

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 10:38:02.00

SUBJECT: UI/Family Medical Leave

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

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

TEXT:

I wanted you to have a copy of a memo I sent to Jack last night regarding UI and FMLA. OMB does not have a formal position on this yet but as I indicated to you, my preference is for Option 3 for the reasons set forth in this memo.

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D4]ARMS266094258.136 to ASCII,
The following is a HEX DUMP:

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MEMORANDUM FOR THE DIRECTOR

FROM: Barbara Chow

SUBJECT: UI and Paid Family and Medical Leave

We have spoken briefly about the idea of using the unemployment insurance (UI) system to pay Family and Medical Leave Act (FMLA) benefits. DPC is now pushing for a decision on this issue due to the President's upcoming speech at Grambling University on Monday. Below is the background on this issue as well as the policy, operational, budgetary and regulatory questions regarding this proposal.

Background on Paid Parental Leave and State UI Proposals.

The idea of paid parental leave was discussed the last two years as a possible budget initiative, but did not make it through the process in either year. As it was developed in 1997, the Administration's paid parental leave proposal would have provided eligible new parents \$200 a week in paid leave, funded by the Federal government, for up to six weeks. Eligibility was based on income and time in the workforce. This initiative would have used the UI system to deliver the leave payments, but would not have used UI funds to pay for these benefits. The policy goal was to offer persons who cannot afford to take leave after the birth or adoption of a child an option to stay at home, versus child care. It was estimated to cost \$1 billion annually.

DOL raised the issue again recently because of interest by the Hill, specifically Sen. Kennedy, in the Administration's position on paid parental leave. Four states have introduced legislation that would allow use of UI trust funds to pay individuals some form of family and medical leave (Vermont, Massachusetts, Maryland, and Washington). DOL has opposed this proposed use in the past because the individuals receiving the benefit are not available for work -- a fundamental requirement of the UI program known as the "availability test." Federal law does not contain an explicit requirement that UI claimants be available for work, and DOL has relied for many years on the legislative history of the UI program to enforce its availability interpretation.

Absent a change in its long-standing interpretation, DOL would declare any State law using UI trust funds for family and medical leave to be "out of conformity" with Federal requirements.

DPC is currently running a policy process to determine if States should have the flexibility to use UI funds for paid family and medical leave. The options for implementing this policy are laid out later in this memo (see DPC Options).

Policy Questions

What is the size of the problem that we are trying to address with this policy? The data on the need for or use of paid parental leave are scant and were collected very soon after FMLA was passed. We do not have data on recent experience. I understand that a survey conducted by the

Commission on Family and Medical Leave found that 3.4 percent of respondents did not take unpaid leave when needed. Of those 64 percent (or 2 percent of the overall sample) cited affordability as the main reason they did not take advantage of unpaid leave when they needed it.

Of the respondents who stated they did not take unpaid leave for birth or adoption of a child, 100 percent (0.2 percent of the overall sample) cited affordability as the main reason. By offering paid leave, the Administration could try to address this problem. It is also important to note that while the policy under consideration may be characterized as a paid parental leave proposal, only 17% of those who took FMLA covered leave did so for maternity leave..

Is there a substitution effect? If States implement this proposal, employers may decide to offset their costs by decreasing current benefits such as annual leave, paid parental leave, or even lowering wages. In addition, employers may lobby States to modify their state workers compensation programs to only allow for maternity disability after the UI benefit is exhausted. At one of the meetings, CEA raised the possibility that this policy could result in increasing hiring discrimination against women in the child bearing years.

What are the implications for the UI program? The UI system is designed to pay benefits only to workers who lose a job through no fault of their own and who continue to be unemployed because no other work is available. The major concern of DOL is that a change in the Department's long-standing position on availability -- because it is not in Federal law -- would create a "slippery slope" for other aspects of the UI program. States might decide to pay benefits to other people not available for work because of vacations, sick leave, sabbaticals, or retirement.

In addition, DOL believes that employers may push to turn UI into a mean-tested program to reduce costs. DOL also fears that any attempt to create limited State flexibility in using UI funds for family and medical leave will end up eliminating any DOL control over State UI programs except for provisions explicitly in Federal law.

Will this be seen as circumventing the legislative process in order to expand FMLA coverage? The Administration has tried to lower the current 50 employee threshold for coverage under FMLA to 25. Administration support for paid leave may undercut support for expansion of unpaid leave under FMLA. Given UI covers all employers regardless of size, with limited exceptions, employees not currently covered by FMLA could receive paid leave benefits.

Operational Questions.

The following questions must be addressed in designing a program for paid family and medical leave. These questions can be left to individual States to answer as they design their own family and medical leave programs or they can be addressed through Federal policy guidance or model legislation. However, if we decided to issue guidance or regulations, it is unclear whether we have the legal authority to compel States to follow these guidelines.

Should this benefit be universal or targeted to lower income persons? UI is a non-means tested program -- it is insurance against wage loss when involuntarily unemployed regardless of current family income or assets. The FMLA proposals discussed in 1997 and 1998 would have limited the benefit to those with incomes below a certain amount -- as initially discussed the limit was a

family income of \$50,000, then it was \$36,000. An income test could be interpreted as the first step to welfarizing UI. This may be preferable from a policy perspective, but is inconsistent with UI policy.

What should the length of benefits be? Currently, FMLA provides job-protected unpaid leave for 12 weeks. UI benefits are available for up to 26 weeks. The State proposals we have seen would have chosen the shorter duration but there is no particular reason to adopt that duration.

What type of leave will be covered? The Administration's budget initiatives were focused on paid parental leave. Some of the State proposals (including Massachusetts) cover all family and medical leave under State law, which is much broader than parental leave – including leave for the person's own health or to care for a sick parent or child. Of those who took FMLA covered leave in 1995, 60 percent did so due to personal illness. UI coverage for intermittent leave may be very difficult to administer and enforce.

Should the individual be required to exhaust current leave options first prior to seeking UI benefits? Currently, most employees receive annual and sick leave from their employers. FMLA does not require the individual to exhaust other avenues prior to taking advantage of unpaid leave. Any requirement that individuals use all of the leave available to them for this purpose prior to seeking the UI benefit would be difficult to track and enforce.

Budgetary and Regulatory Questions.

What would the proposed program cost the Federal Government? The options under consideration are designed to permit interested States to provide paid family and medical leave; there will be no Federal mandate. Because there will be no Federal legislation, there will be no legislative PAYGO requirements. The intended effect of these options is to increase spending from the Unemployment Trust Fund, which is on budget. But State UI taxes will increase over time in response to the higher benefit outlays, so over the longer term paid family and medical leave will be deficit neutral. We are trying estimate the effects of this policy on a year by year basis but the estimate will be very soft and difficult to construct.

Only rough estimates of potential program costs are available. If paid family and medical leave were implemented in every State with the current Federal thresholds, DOL estimates that the costs would be \$2-\$9 billion a year, compared with current UI benefits of \$23 billion a year. The low end assumes no behavioral changes; the high end assumes behavioral changes by workers and employers, including shifts from currently paid leave to the new program. For the Massachusetts proposal, which covered all family and medical leave for all sizes of firms for 12 weeks, three independent estimates concluded costs would be about \$200 million a year, compared with current UI benefit payments of \$750 million in that State. We would anticipate that over time States would increase taxes, so over the years the program would be deficit neutral.

Would this be subject to Congressional review under the Small Business Regulatory Enforcement Fairness Act (SBREFA)? Yes. If DOL issued either a program letter or a proposed regulation,

it would be subject to Congressional review.

DPC Options.

DPC is currently developing three options. All are permissive, not mandates, and would rely on State legislation to change State UI laws.

1. Instruct DOL to Issue New Program Guidance (interpretative rule).

- Pros:*
- Guarantees a specific policy outcome.
 - Could be done quickly and does not require public comment.
 - Could include Federal parameters on the structure of the program.

- Cons:*
- Compromises DOL's "availability" standard.
 - More susceptible to legal challenge and therefore could be easily overturned.
 - Subject to Congressional review under SBREFA and would likely be categorized as "major."
 - More susceptible to future policy changes.
 - Could provoke an appropriations rider or other legislative action.

2. Instruct DOL to Issue New Regulations.

- Pros:*
- Creates a sounder legal basis and is less susceptible to legal challenge.
 - Provides for public comment.
 - Offers time for "fine tuning" Federal guidance on the parameters of UI coverage of family and medical leave.
 - Less susceptible to future policy changes.

- Cons:*
- Compromises DOL's "availability" standard.
 - Could result in changes to the policy based on public comment.
 - Regulations require more time – delays State adoption of program and

allows opposition to mobilize.

- Subject to Congressional review under SBREFA and would likely be categorized as “major.”
- Could provoke an appropriations rider or other legislative action.

3. Instruct DOL to Produce Model State Legislation for Separate UI-FMLA Fund. States could create a separate State tax to fund parental leave (that would not be part of the UI trust fund) and could reduce their State UI taxes to make this new program revenue-neutral for employers. Several States have already established separate taxes for training or for employment security administration. DOL could use the UI system to administer this new program.

- Pros:*
- Achieves States objective of providing paid leave.
 - Provides assistance to States without compromising DOL’s “availability” standard.
 - Easier because no Federal administrative actions are necessary.
 - Designing model legislation could be done relatively quickly.

- Cons:*
- Appears less pro-active.
 - Less responsive to State initiatives in this area.
 - Less attractive to States due to the requirement of a new tax.

Recommendation. I recommend Option 3. By supporting this option, the Administration can show its strong support for paid parental leave without compromising the fundamental requirements of the UI program. In addition, other alternatives should be explored such as creation of a new tax credit, use of State temporary disability programs, or creation of a Federal program of paid parental leave like the 1997 proposal.