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**[05/20/1999-05/21/1999]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ron Klain to Elena Kagan re Farewell Party (1 page)	05/21/1999	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[05/20/1999-05/21/1999]

2009-1006-F

kc166

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 18:07:35.00

SUBJECT: President's Trip to Louisiana

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: James T. Heimbach ( CN=James T. Heimbach/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: Maria E. Soto ( CN=Maria E. Soto/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Phillip Caplan ( CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Michael Waldman ( CN=Michael Waldman/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Linda L. Moore ( CN=Linda L. Moore/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Anne E. McGuire ( CN=Anne E. McGuire/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Joseph P. Lockhart ( CN=Joseph P. Lockhart/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Ann F. Lewis ( CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Kirk T. Hanlin ( CN=Kirk T. Hanlin/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Cynthia M. Jasso-Rotunno ( CN=Cynthia M. Jasso-Rotunno/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Maria Echaveste ( CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Orson C. Porter ( CN=Orson C. Porter/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Carolyn T. Wu ( CN=Carolyn T. Wu/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Jocelyn A. Bucaro ( CN=Jocelyn A. Bucaro/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Bridget T. Leininger ( CN=Bridget T. Leininger/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Paul D. Glastris ( CN=Paul D. Glastris/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Lowell A. Weiss ( CN=Lowell A. Weiss/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Catherine R. Pacific ( CN=Catherine R. Pacific/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Joshua S. Gottheimer ( CN=Joshua S. Gottheimer/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: Lawrence J. Stein ( CN=Lawrence J. Stein/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Robert S. Kapla ( CN=Robert S. Kapla/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
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TO: Julianne B. Corbett ( CN=Julianne B. Corbett/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Cecily C. Williams ( CN=Cecily C. Williams/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Dorian V. Weaver ( CN=Dorian V. Weaver/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Michael V. Terrell ( CN=Michael V. Terrell/OU=CEQ/O=EOP @ EOP [ CEQ ] )

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TO: Jordan Tamagni ( CN=Jordan Tamagni/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 ] )  
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TO: Simeona F. Pasquil ( CN=Simeona F. Pasquil/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Elizabeth R. Newman ( CN=Elizabeth R. Newman/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Minyon Moore ( CN=Minyon Moore/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Megan C. Moloney ( CN=Megan C. Moloney/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Andrew J. Mayock ( CN=Andrew J. Mayock/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Bruce R. Lindsey ( CN=Bruce R. Lindsey/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Sara M. Latham ( CN=Sara M. Latham/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
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TO: Phu D. Huynh ( CN=Phu D. Huynh/OU=WHO/O=EOP @ EOP [ WHO ] )  
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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 ] )  
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TO: Brenda B. Costello ( CN=Brenda B. Costello/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Jose Cerda III ( CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [ OPD ] )  
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TO: Barbara A. Barclay ( CN=Barbara A. Barclay/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Brenda M. Anders ( CN=Brenda M. Anders/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TEXT:

On Sunday, May 23, the President will travel to Louisiana to deliver the commencement address at Grambling State University. Deadlines for the Trip Book are as follows:

Background Memos (LA): DUE TOMORROW, MAY 21, 3:00 P.M.

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

Event Memos: DUE TOMORROW, MAY 21, 6:00 P.M.

- Grambling Commencement Memo

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

--David Goodfriend

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 14:23:42.00

SUBJECT: latest Grambling draft

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

TO: Laura Emmett ( CN=Laura Emmett/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Cathy R. Mays ( CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [ OPD ] )  
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TO: Joshua S. Gottheimer ( CN=Joshua S. Gottheimer/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
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TO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: June Shih ( CN=June Shih/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TEXT:

Draft 5/20/99 2:00 pm  
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 -- and wrote to Booker T. Washington, asking him to send a teacher to help establish a school.

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 and everyone of you. This day marks a great achievement. You have put in long hours in the classroom and late nights in the library. You have gained knowledge that will last a lifetime and made friendships that will last a lifetime. And because of your hard work, the possibilities before you are limited only by your dreams.

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 Tiaaasha 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 Tiaaasha is graduating with a degree in Sociology and plans to open a home for abused children [See 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 make sure every family, regardless of race, income, or geography, has the chance to live out their dreams and raise their children in dignity. We must reshape our institutions in ways that give parents more time with their children. 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 one of the strongest economies in American history. We've created more than 18 million new jobs since 1993. We have achieved the lowest African-American unemployment and poverty rates, and the highest African-American homeownership rates on record.

We all know that this prosperous economy is 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 □) from the Internet that links offices around the world to the computers used to track warehouse inventory □) 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 □+99 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.

One of the gravest tasks I□,ve had to perform as President is comforting families who have lost loved ones to senseless violence. Last week, Hillary and I visited with the students and families of Columbine High School in Colorado. I came away more certain than ever that as we

work to strengthen our gun laws, we must also work to strengthen our families.

America has done so before. When America last experienced a time like today -- a period of sweeping technological and wrenching social change -- our government acted 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 too many families cannot take advantage of the law at all because they simply cannot survive without their paychecks.

We must think bigger. On the eve of the 21st Century, let us set a goal that all working Americans can take the time they need to care for their families without losing the income they need to support their families. Americans must have paid family leave.

This would mark a significant shift in how our nation helps families succeed at home and at work. It will require enormous thought, creativity -- and a willingness to experiment. It must be done in a way that gives families flexibility and promotes a dynamic and growing economy.

Today, using my executive authority as President, I am taking important steps toward these goals. 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.

Just as the federal government was the first major employer to desegregate its workplaces, today, our government can blaze a path toward paid family leave that the private sector can follow. 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.

[policy under consideration] 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. Today, I am granting states permission to take these first steps, in ways that promote economic growth and do not undermine the fiscal soundness of the unemployment insurance system. [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. Low-income families spend up to a quarter of their income on child care, and studies show that only one in seven child care centers are of good quality. 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 stronger enforcement of safety standards. 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 support tax breaks to help them do so. And I challenge

employers 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.

Dr. Martin Luther King, Jr. once wrote, "It is quite easy for me to think of a God of love mainly because I grew up in a family where love was central and loving relationships were ever present." I hope and pray that the Class of 1999 will have the chance to build those ever-present relationships with their children.

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.



May 20, 1999

**MEMORANDUM TO THE PRESIDENT**

**FROM:**

**SUBJECT:** Proposed changes to status of disabled children caught in school with a firearm

**CURRENT LAW**

Gun-Free Schools Act: The Gun-Free Schools Act requires states, as a condition of receiving federal elementary and secondary education funding, to put in place laws under which students who bring guns to school are expelled for at least one year. There is no requirement that the state or school district provide expelled students with educational or other services during their expulsion, except in the case of students with disabilities, when the Gun-Free Schools Act must be implemented in accordance with Individuals with Disabilities Education Act (IDEA) requirements. (Note: Your ESEA reauthorization proposal would require that students expelled under the Gun-Free Schools Act receive counseling, if needed, before returning to school. It would also require schools to adopt discipline codes providing that all students expelled or suspended from school receive appropriate counseling, supervision and educational services).

IDEA Regulations: Under current IDEA regulations, school authorities can unilaterally remove a disabled student who brings a weapon to school to an alternative placement for up to 45 days, but must continue to provide educational and other appropriate services to the student. During those 45 days a “manifestation determination” is undertaken to determine whether or not the infraction was a manifestation of the student’s disability. If the offense is deemed unrelated to the disability, the student is subject to the same punishment – in this case expulsion – as nondisabled students, except that education services cannot be terminated. If it is determined that the student’s disability affected his actions, then the student’s Individual Education Plan – which specifies the appropriate educational and behavioral services for the student -- is revised to include appropriate behavioral interventions. Regardless of any relationship between the student’s disability and actions, if there is concern that the student poses a continuing threat, an impartial hearing officer may agree to suspend the student for an additional 45 days – a process that can be repeated indefinitely.

In 1997, the House (420-3) and Senate (98-1) overwhelmingly approved the reauthorized IDEA bill, allowing school officials to discipline students as outlined above. The regulations enforcing the IDEA reauthorization were released by Education this March.

**PROPOSED AMENDMENTS**

Frist/Ashcroft Amendment: The Frist/Ashcroft proposal would amend both the IDEA and the Gun-Free Schools Act by allowing school personnel to expel or suspend students with

disabilities for potentially unlimited amounts of time for bringing a gun or firearm on school premises, in the same manner as school personnel discipline students without disabilities. This would eliminate requirements for providing these students with appropriate behavioral interventions, or for determining whether their behavior is a manifestation of their disabilities. The amendment would also permit schools to deny all educational services to disabled students while suspended or expelled, unless the local educational agency required that those services also be provided to students without disabilities. Finally, parents would be denied their current right to request a due process hearing regarding these removals under the IDEA.

Secretary Riley has sent a letter to Congress strongly opposing the Frist/Ashcroft amendments. He argues, among other things, that the recently-released IDEA regulations give schools new and appropriate tools to deal with these situations; that denying education services, including behavioral interventions, to children with disabilities eliminates the best chance for improving the long-term prospects for these children; and that eliminating determinations of whether a child's behavior is a manifestation of his disability could result in unlawful denials of education because of a child's disability.

Harkin Amendment: Senator Harkin's proposal would essentially maintain the status quo for disabled students -- and expand protections to other students -- by requiring that appropriate interventions and services be provided to all students expelled or suspended for any act of violence, including carrying a weapon on school premises. This proposal includes an authorization of appropriations for "such sums as may be necessary" for fiscal years 2000-2004 to be distributed by the Secretary of Education.

As you know, Senator Harkin has requested a letter from you opposing the Frist/Ashcroft proposal and supporting the Harkin amendment.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 12:24:10.00

SUBJECT: Immigraiton q and a

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D49]ARMS235795258.136 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A020100000000205000000670D00000002000008D4D62840C25EA6A82EBCB  
7F2ECB739F747ED2A22D1508CE6FA2911330D9CDFEA8DB4BC48FFC9A55DFD16561F93959564790  
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CF4B809A244AB060A9BA1CAFD030DF2E431F7CDC8F4F19E23CD681886FF124AF1E109E97B590

Automated Records Management System  
Hex-Dump Conversion

**Question:** What do you think about the regulation that the INS published today that announces a new program for the Nicaraguan Adjustment and Central American Relief Act (NACARA) beneficiaries?

**Answer:** When the President was in Central America in March, he directed the Attorney General to seek under current law to provide parity in relief to certain nationals covered under the NACARA. Consistent with that request, the INS establishes a program that allows certain Salvadorans, Guatemalans, and former Soviet Bloc nationals to apply for relief from deportation under a simplified process in a way that recognizes their common hardship, deep roots in our society and contributions to our community.

**Question:** During the President's recent trip to Central America, the President committed to submit legislation if parity could not be achieved for NACARA beneficiaries under current law. Does the President plan to submit legislation to address the inequities that remain under NACARA consistent with his commitment in Central America?

**Answer:** Yes. While the President commends Attorney General and INS Commissioner Meissner for establishing this new simplified program, the constraints of the current law does not allow for complete parity for all NACARA beneficiaries. Therefore, the President plans to submit legislation to Congress that seeks to establish fair treatment for all NACARA beneficiaries.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 20:07:42.00

SUBJECT: added 2 pits

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

READ:UNKNOWN

TEXT:

----- Forwarded by Jose Cerda III/OPD/EOP on 05/20/99  
08:08 PM -----

Jose Cerda III

05/20/99 08:01:44 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc:

Subject: added 2 pits

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D34]ARMS244352357.136 to ASCII,  
The following is a HEX DUMP:

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153F05400B227448AB66A3F4082E4914B11AAD85FF2F879B44C7BA4EB796B0863382C1CFFAE3B4  
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861C9A07B72370CC6D2CA9D39826DA8BC8C8DB638AC2F304A59A08E3DFF7DC53B0AD8EA678AD60  
F0FC4EEBCB6FABB4A574D6043A6EA798696D8FAEC33FB5FEB64ADC6DAA7C47D94E3BB195402D91  
21F23E4B64C11B3103E3D6EDFD83791392B607F1B694DE736D135D679DC5A02A8231E8D68789E0  
D80B736FD488255F1E8E9AF5F10E9B83B9083574B478602E32FA11C6E1A51B575BDB335E912F21  
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3AC8A811B29AA80669F5761F89E93BC0F077D50A0542FCC11E4AC003715A030F4E464DE862E20C  
CFEB4EC83C3FBDF3F1321AFC49B41A282AC5EBAFC09671487562253E4E10DE2DC9A583726E1A5B

## Improvements to the Senate Juvenile Crime Legislation

- **Three out of four “core mandates” preserved.** Senator Hatch’s bill originally weakened all of the core protections for juveniles in state custody. The bill that cleared the Senate today preserves language in current law ensuring that juveniles are separated by sight and sound from adults while incarcerated; that they are not placed in adult jails; and that status offenders are not incarcerated. However, the bill does re-write protections against disproportionate minority confinement. A Kennedy/Wellstone amendment to drop this provision was defeated, and this issue will have to be revisited in conference.
- **Guaranteed prevention funds.** The original Hatch bill provided almost no funds for prevention. The bill that passed today sets aside 25 percent of the \$450 million Juvenile Accountability Block Grant for prevention, and authorizes a separate \$435 million for other delinquency and prevention programs.
- **No new death penalties.** The original Hatch bill made 16-year olds eligible for the federal death penalty. This provision has been dropped.
- **No provisions to transfer juveniles to adult facilities.** The new juvenile crime bill does not include provisions considered last year to allow the Justice Department’s Bureau of Prisons to transfer certain 16-year Olds to adult facilities.
- **Allows federal prosecutors limited discretion to try violent juveniles as adults.** The new juvenile crime bill allows federal prosecutors -- not judges -- to make the initial decision as to whether certain violent juveniles and gang members should be tried as adults.
- **Onerous conditions on states deleted.** To be eligible for the new block grant funds, the original Hatch bill required states to pass new laws to prosecute juveniles (14-year olds) as adults. These hard requirements have been dropped and replaced with more reasonable conditions requiring graduated sanctions, drug testing and protection of victims rights in cases involving juvenile offenders.
- **Federalization clause dropped.** The original Hatch bill included a presumption that all juvenile crime should be federal and then referred to states as appropriate. Chief Justice Rehnquist complained bitterly last year about this provision, and it is no longer in the bill.
- **New gun provisions.** The original Hatch bill contained no provision to address gun violence. As you know, the new bill: (1) requires background checks for all gun sales at gun shows; (2) requires gun dealers to provide child safety locks with every handgun sold; (3) bans the juvenile possession of assault weapons and large capacity clips; (4) expands the Youth Crime Gun Interdiction Initiative; (5) bans the importation of large capacity ammunition clips; (6) prohibits violent juveniles from possessing guns (but in a weaker form than your own proposal); and (7) provides \$50 million for the increased

federal prosecution of gun crimes.



**DRAFT      DRAFT      DRAFT      DRAFT      DRAFT      DRAFT**

**May 21, 1999**

**DECISION MEMORANDUM FOR THE PRESIDENT**

**FROM:              BRUCE REED**

**SUBJECT:          POLICY ANNOUNCEMENTS FOR GRAMBLING SPEECH**

Your Grambling State University commencement address this Sunday focuses on the need to empower parents in this new economy with greater tools to balance their responsibilities to their jobs and their families. You will release a new study by the Council of Economic Advisors that analyzes the “time crunch” that parents increasingly feel. In addition, you will announce a new policy that addresses this challenge for federal workers. You will direct the Office of Personnel Management to revise its regulations to allow federal workers to use up to 12 weeks of accrued sick leave to care for a spouse, child, or parent with a “serious health condition,” as defined under the Family and Medical Leave Act (FMLA). Currently, federal workers are allowed to use only 13 days of sick leave to care for an ill relative. This new policy will enable federal workers to use the sick leave they have earned on the job to take care of a loved one with a serious health condition.

The DPC has also led a policy process to examine non-legislative options for action to enable States on a voluntary basis to use their Unemployment Insurance systems to provide benefits to workers on some form of FMLA-covered leave. This year, four States with surpluses in their UI trust funds – Massachusetts, Vermont, Maryland, and Washington – had bills introduced in their State legislatures that would do this. Three of the four States, anticipating conformity problems, have asked for comment from the Department of Labor (DOL). While many question the prospects of State legislative efforts, DOL has been pressured from Senators Kennedy, Dodd, Leahy, and Murray, the AFL-CIO, and women’s groups to allow States this flexibility; business groups have predictably weighed in strongly against opening up UI for this purpose.

Taking a non-legislative step to advance paid leave for American workers would be a bold way to enable workers to spend more time with their families in important times. The 1996 FMLA Study, *A Workable Balance*, found that lost wages are a significant barrier to taking leave, particularly for lower income workers. Even if no State elected to use its UI system in this way (as many argue is very likely), advancing a proposal that would allow State experimentation would send a strong message that making leave affordable for workers is a new priority and that States should consider creative ways to provide paid leave benefits.

However, the challenges and risks to embracing an expansive change to the UI system are considerable. First, the expense of such a system, if ever fully implemented in all States, would

be significant (estimates begin at \$2 billion annually). Second, the breadth of purposes covered by the FMLA raises concerns. The majority of FMLA-covered leave is taken by workers caring for their *own* serious health conditions, and advancing a policy of providing UI benefits for this category of leave might transform the UI system into a paid sick leave program and lead to significant and regressive substitution effects (employers may abandon their sick leave benefit programs). Third, while today most UI tax collection is “experience rated” (meaning that employers pay into the system based on their workers’ use of it), the cost of this new policy should be borne as broadly as possible to guard against unintended labor force repercussions on women of child-bearing age.

Your advisors have considered various ways of advancing the policy of paid leave while also mitigating the potential for unintended negative consequences. Ideally, we would issue a regulation that confines the allowance of new UI benefits to parents following birth or adoption (and, perhaps, other analogous, limited categories) and ensures that these new benefits are not “experience rated.” The DOL Solicitor’s office advises that, while issuing regulations will enable us to set important parameters for State programs, we may not have the authority to limit them in these ways (the question is under review). Even if we do not have this authority, however, we believe that we can accomplish much the same goal with a broader regulation encompassing all FMLA applications if (a) you focus on new parents in a directive to DOL initiating the regulatory process, and (b) DOL accompanies the regulation with model State legislation that guides States in program design, confining this program to new parents and ensuring that the new benefit is not “experience rated.”

This construct does not mitigate all danger of unintended consequences. We cannot ensure, for instance, that States would follow the model legislation we would propose and elect only to grant UI benefits to new parents, rather than the full category of FMLA covered leave. However, we would send clear signals about what the Administration believes is an appropriate new use of UI benefits and use the model State legislation to guide States in the right direction. Furthermore, you would only be on record as supporting this narrow new use of UI trust funds.

This option allows us the benefit of moving forward the important debate of making leave affordable for new parents, while also mitigating many potential downsides. All of the offices involved in this process – the NEC, OMB, DOL, CEA, and the First Lady’s Office – agree that this is an exciting and responsible approach to addressing this issue.

**PROCEED**

**HOLD OFF AT THIS TIME**

**LET’S DISCUSS**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 08:32:38.00

SUBJECT: your fellow colleague in the violence struggle

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

TO: Neera Tanden ( CN=Neera Tanden/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:

Sorry I missed our follow-up meeting on yesterday. I was pulled into some crisis management for the President's trip today. (shocking)

Please let me know what I need to do to help move the ball forward. I am still on board the team...smile!

Also, due we have a process in place for people who are interested in getting involved. Is there a point person who is handling this?

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Ron Klain to Elena Kagan re Farewell Party (1 page)	05/21/1999	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[05/20/1999-05/21/1999]

2009-1006-F  
kc166

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Martha Foley ( CN=Martha Foley/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-MAY-1999 10:23:26.00

SUBJECT:

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

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

TEXT:

OK. Never say never. Let's start thinking about what we can insist on regarding tobacco in the final appropriations negotiations next fall, to "recoup" our loss on the supp. We have tremendous leverage at that point, as you know, and we have done some amazing things before in that process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 21-MAY-1999 14:27:25.00

SUBJECT: ftc study

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

READ: UNKNOWN

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

READ: UNKNOWN

TEXT:

I saw the message calendar -- should I be helping on the directive to DoJ and the FTC?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Julia M. Payne ( CN=Julia M. Payne/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-MAY-1999 14:42:26.00

SUBJECT: Fox TV increases sex and violence next season

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

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

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

TO: Jim Kohlenberger ( CN=Jim Kohlenberger/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Jennifer M. Palmieri ( CN=Jennifer M. Palmieri/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:  
May 21, 1999

Fox to Wade Deeper Into Sex and Violence

By BILL CARTER

aking more changes than any other network and reaching for  
programs deliberately aimed at breaking new ground in  
terms of  
sex, language and violence, Fox announced a fall television  
schedule Thursday with eight new series, including a reshaped,  
half-hour  
version of "Ally McBeal" that will play the night after the hour  
version.

The show (Tuesdays at 8) will consist essentially of old  
episodes of the  
series edited down to a half-hour. It is part of a growing trend  
in which  
networks reuse programs in the same week as a way of cutting  
costs.

Fox will also add a new comedy, "Action" (Thursday at 9:30),  
that will  
overtly use many of the words that have not previously been used  
on  
network television but will bleep the actual sound. The show is  
about a  
producer of action movies who is an egomaniac. It stars Jay

Mohr.

The pilot of "Harsh Realm" (Friday at 9), a new drama from Chris Carter, the creator of "The X-Files," includes as heavy a quotient of violence as any show ever made, though Fox executives have promised the series will tone the violence down.

The show is about an elaborate government virtual-reality game and a former American military officer's efforts to solve it and stay alive.

The network also has its own version of the high school shows that are a dominant trend for the coming season, but with "Manchester Prep" (Thursday at 8), a spinoff of the film "Cruel Intentions," which was itself a teen-age take on the film "Dangerous Liaisons," Fox is emphasizing a much darker, sexually promiscuous side of teen-age relationships.

At the other end of the spectrum, Fox has a family show, "Malcolm in the Middle" (Sunday at 7), which will aim more for sweetness than spice as a family deals with the discovery that their 9-year-old son -- their middle child -- is a genius.

The network has a spinoff of its successful drama "Party of Five" in the show "Time of Your Life," (Monday at 8) in which the character played by Jennifer Love Hewitt runs away to New York City to search for her birth parents.

Another family show, "Get Real" (Wednesday at 9), fits the new trend toward hourlong shows more based in comedy than drama. The family in the show experiences an unending series of crises, like car accidents, a teen-ager's refusal to go to college, a child being beaten up by bullies, but all are handled in comic fashion. It stars Debrah Farentino as a decidedly young mother of this brood.

The final Fox drama is another show that bucks the current trend away from violence. "Ryan Caulfield" (Fridays at 8) is about a young man who stuns his friends by becoming a police officer instead of going to college. He experiences the hard world of police work, including a first

case

involving a gruesome murder scene.

Fox is rebuilding every night of the week but Saturday. Among the shows

it is dropping are "Millennium," "World's Funniest" and "The PJ's," though

Fox promised the latter would be back later this season.

The network resolved its dilemma about which animated show to pair with

"The Simpsons" by giving the 8:30 Sunday slot to "Futurama" and moving

"Family Guy" to Thursday, where it will be paired with "Action" in a direct

attempt to pull male viewers away from NBC's long-time comedy stronghold. The Fox schedule:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-MAY-1999 23:30:08.00

SUBJECT: final grambling

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

TO: glastris@aol.com ( glastris@aol.com [ WHO ] )  
READ:UNKNOWN

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

TO: mawaldman ( mawaldman @ aol.com @ inet [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

Draft 5/21/99 10:00 pm

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

Acknowledgments: Rev. Edwards; Mayor John Williams; Grambling student gov. pres. Tony Easton Jr.; □&Miss Grambling□8 Martha Fondel; Grambling pres. Steve Favors; Sen. Mary Landrieu; Rep. William Jefferson;

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, no public 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 and wrote to Booker T. Washington, asking him to send a teacher to help

build a school in these piney woods.

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 -- thanks to your legendary coach Eddie Robinson and his successor, Superbowl MVP Doug Williams. But America's top technology firms recruit here, too, because they know that Grambling State confers more Computer and Information Science degrees to African-Americans than any other university in the nation.

You join a proud tradition and I congratulate each and every one of you. This day marks a great achievement. You have gained knowledge that will enrich you for the rest of your lives and made friends who will stand by you the rest of your lives. Through long hours in the classroom and late nights in the library, through moments of self-doubt and triumph, you have gained the prize: an education that will help you succeed in one of the most exciting times in human history.

And I congratulate and honor your parents, your grandparents, your aunts and uncles, all those who had a hand in raising you. They should be proud not only of you, but of themselves. To raise a child from infancy to college graduation is no small feat. 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.

People like Joyce Gaines of Vallejo, California. Even through the pain of five ruptured disks in her back, Joyce worked three jobs, commuting 200 miles a day to put her daughter Tiaaasha [Tie - EE ( ) sha] through Grambling. Today Tiaaasha is graduating with a degree in Sociology and plans to open a home for abused children. People like James and Lillie Bedford of Shreveport. James is a plumber; Lillie is a cook. Both took on extra work at night and on weekends to help their youngest son Terrence pay for college. Lillie was a student at Grambling back in the 1950s, but she had to leave before graduating. Now Terrence is the second of seven Bedford children to earn a Grambling degree\*and he's the senior class president. It's been said that to have a child is to have your heart go walking outside your body. I think James and Lillie Bedford know that feeling today.

Stories like these remind us of what Americans can achieve when they set their minds on reaching a high goal. But they also remind us of the hard work it takes to raise a child right, especially in our demanding modern economy. This spring, in commencement addresses to the class of '99, I will be speaking about how this 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 with their children. 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.

It may seem a million years away to those of you graduating today, but soon, most of you will become parents. When that happens, you will look at the clock on the wall in a whole different way. Today, you may think nothing of being out with your friends or at the library working at nine at night. But soon enough, you will want to be home at nine at night, putting your children to bed. We must have an economy that will give you the chance to do that.

The class of '99 is entering an era of unparalleled opportunity and possibility. We have created one of the strongest economies in American history, with more than 18 million new jobs since 1993. We have achieved the lowest African-American unemployment and poverty rates on record, and the highest African-American homeownership rates in history. We have opened the doors of college to more and more Americans, with increased Pell grants, Hope Scholarships and lower-cost student loans—tools many of you have used to finance your educations. And we are now seeing throughout our economy an explosion of productivity powered by technology—from the Internet that links offices around the world to the computers used to track warehouse inventory. 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 shape that new era, 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 '99 moves through its careers—unless we act today.

I have asked the President's Council of Economic Advisers to study the sweeping changes the modern 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 America'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 Americans are 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. That's nearly one full day less time per week for parents to devote to their children. We as a nation must find a way to give some of that time back.

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.

One of the gravest tasks I've had to perform as President is comforting families who have lost loved ones to senseless violence. Last week, Hillary and I visited with the students and families of Columbine High School in Colorado. I came away more certain than ever that as we work to strengthen our gun laws, we must also work to strengthen our families.

When America last experienced a time like today -- a period of sweeping technological and wrenching social change -- our government acted. 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. America made the industrial age safe for families. Today, we must make the information age safe for families.

The modern economy poses 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 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 a sick relative without losing their jobs. The current law, however, meets just a fraction of the need. Too many people and too many family obligations are not covered. And too many families cannot take advantage of the law at all because they simply cannot survive without their paychecks.

We must think bigger. On the eve of the 21st Century, let us set a goal that all working Americans can take the time they need to care for their families without losing the income they need to support their families.

Achieving this goal will require a significant shift in how our nation helps families succeed at home and at work. It will demand enormous thought, creativity -- and a willingness to experiment. It must be done in a way that gives families flexibility and promotes a dynamic and growing economy.

Today, using my executive authority as President, I am taking important steps toward this goal. I am directing the Office of Personnel Management to allow all federal workers to use the sick leave they have earned to take time off to care for sick family members. Currently, the most sick leave a worker can use 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.

Just as the federal government was the first major employer to desegregate its workplaces, today, our government can blaze a path toward paid family leave that other employers can follow. If every company in America that

offers sick leave to its workers adopted the policy we are adopting today, half of all American workers would have this important benefit for their families.

We must find other creative new ways to help more Americans use benefits they have worked for to finance the time off they need for their families. Some states have asked the federal government if it would be possible to try a bold idea: Allow workers who have earned unemployment insurance coverage to collect payments while they are on leave caring for a newborn or a newly-adopted child. This is a very promising idea. Today, I am directing the Secretary of Labor to put forth a rule that will allow states to offer paid leave to new mothers and fathers. We can do this in ways that preserve the fiscal soundness of the unemployment insurance system and promote economic growth. Those first few months with a newborn are precious. No parent should have to miss them.

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

The second challenge parents face in the modern economy is finding affordable, high-quality child care. Low-income families spend up to a quarter of their income on child care, and studies show that only one in seven child care centers are of good quality. I am supporting child care subsidies and tax credits, better training for caregivers and stronger enforcement of safety standards. 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. I challenge school districts all across America to unlock their empty classrooms in the late afternoons 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 open more on-site child care centers, and I support tax breaks to help them do so. And I challenge employers 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 effort to encourage more of them. Employees can carve out more time for their children by enrolling them in these workplace schools. They can commute to work together in the mornings, do homework on the ride home at night, even have lunch 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 media 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. Under the leadership of Vice President Al Gore, those tools are now being crafted. 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 a click of the mouse, parents will be able to make offensive web-sites off-limits to their children.

But the entertainment industry must do its part. I challenge the industry to stop showing guns in any ads children might see, to enforce their movie rating systems more strictly; 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 government's responsibility to make these tools available. But is the responsibility of parents to use them. More working parents must take advantage of tools already available. And all across American society, we must get serious about putting our children first.

Dr. Martin Luther King, Jr. once wrote, "It is quite easy for me to think of a God of love mainly because I grew up in a family where love was central and loving relationships were ever present." I hope and pray that the Class of 1999 will have the chance to build those ever-present relationships with their children.

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. Your parents have worked and sacrificed. Ask them 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: June Shih ( CN=June Shih/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-MAY-1999 16:14:07.00

SUBJECT: latest policy grafs

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: 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:

Here is the latest version of the operative policy grafs. Can you give them a look? thanks. paul and june

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 too many families cannot take advantage of the law at all because they simply cannot survive without their paychecks.

We must think bigger. On the eve of the 21st Century, let us set a goal that all working Americans can take the time they need to care for their families without losing the income they need to support their families.

This would mark a significant shift in how our nation helps families succeed at home and at work. It will require enormous thought, creativity -- and a willingness to experiment. It must be done in a way that gives families flexibility, and promotes a dynamic and growing economy.

Today, using my executive authority as President, I am taking important steps toward these goals. 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 use 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.

Just as the federal government was the first major employer to desegregate its workplaces, today, our government can blaze a path toward paid family

leave that the private sector can follow. 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 working Americans use benefits they already have to finance the time off they need for their families. Several states have asked the federal government if it would be possible to try a bold experiment: Allow employees to draw unemployment insurance payments while they are off work caring for a newborn. This is a promising experiment. Today, I am directing the Secretary of Labor to take the first steps toward allowing states to conduct this experiment. I am asking the Secretary to craft regulations and model legislation that will enable states to put the unemployment insurance system at the service of new parents, in ways that do not undermine the fiscal soundness of the system or undue burdens on business.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-MAY-1999 10:38:06.00

SUBJECT: Oh the fun you'll miss!

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

READ:UNKNOWN

TEXT:

----- Forwarded by Cynthia A. Rice/OPD/EOP on 05/21/99  
10:40 AM -----

Martha Foley

05/21/99 10:23:18 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP

cc:

Subject:

OK. Never say never. Let's start thinking about what we can insist on regarding tobacco in the final appropriations negotiations next fall, to "recoup" our loss on the supp. We have tremendous leverage at that point, as you know, and we have done some amazing things before in that process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-MAY-1999 13:38:48.00

SUBJECT: VP/Cabinet Message Event Meeting TODAY

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

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

TO: Thomas D. Janenda ( CN=Thomas D. Janenda/OU=WHO/O=EOP@EOP [ WHO ] )  
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: Jonathan A. Kaplan ( CN=Jonathan A. Kaplan/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: Douglas B. Sosnik ( CN=Douglas B. Sosnik/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

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

CC: Shanna P. Singh ( CN=Shanna P. Singh/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

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

TEXT:

Loretta Ucelli will be holding a meeting from 2:10-2:40pm in her office TODAY to determine whether or not it will be possible to have the Vice President and some members of the Cabinet do an event next Thursday focusing on our domestic budget priorities. We will also be discussing which issues will be highlighted at the event.

Call/e-mail with questions or concerns. Thanks! 62640

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-MAY-1999 11:48:30.00

SUBJECT: download from podesta meeting

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

TEXT:

Knowing that things change -- I thought it would be good to try to tie down the policy aspects of the discussion. I think this is where we are:

24th Guns -- if the issue is not dead, POTUS does a departure statement and releases it early --DPC lead

25th EO to be issued at Empowerment Zone Conference-- NEC has the lead on this one

1st -- FTC Study -- DPC has the lead

3rd -- Cabinet Mtg w/ pool spray -- Todd Stern's EO -- Stephanie to figure out time -- Goody/Kris we will need an agenda for the meeting -- Todd you have the lead on the Exec Order

4th -- Disability Awards (possible if 99 recipients have been chosen) Streett following up--also Kennedy Jeffords venue-- DPC

5th -- radio address --mental health

8th -- looking for EO -- possible merger report -- NEC to follow-up

9th -- POTUS to attend AG's meeting. Racial Profiling a must --DPC has the lead-- also, POTUS going to Bumpers event -- DPC to figure out how to get the AIDS report out --covered

10th -- Medicare Plan -- NEC/DPC

11th -- Press Conference hold

12th -- radio address on Child Labor Executive Order & University of Chicago Commencement

Please let me know if I've made any errors ---

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-MAY-1999 16:08:39.00

SUBJECT: FOR YOUR CLEARANCE -- final Draft House Rules SAP for Ag/Rural Development

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

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

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

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

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

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

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

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

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

TO: Lynn G. Cutler ( CN=Lynn G. Cutler/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: Miles M. Lackey ( CN=Miles M. Lackey/OU=NSC/O=EOP@EOP [ NSC ] )  
READ:UNKNOWN

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

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

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

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

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

TO: Sally Katzen ( CN=Sally Katzen/OU=OPD/O=EOP@EOP [ OPD ] )

READ:UNKNOWN

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

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

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

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

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

CC: Mark J. Tavlarides ( CN=Mark J. Tavlarides/OU=NSC/O=EOP@EOP [ NSC ] )  
READ:UNKNOWN

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

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

CC: Judy Jablow ( CN=Judy Jablow/OU=CEQ/O=EOP@EOP [ CEQ ] )  
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CC: Elizabeth Gore ( CN=Elizabeth Gore/OU=OMB/O=EOP@EOP [ OMB ] )  
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CC: Shannon Mason ( CN=Shannon Mason/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC: Melissa G. Green ( CN=Melissa G. Green/OU=OPD/O=EOP@EOP [ OPD ] )  
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CC: Sara M. Latham ( CN=Sara M. Latham/OU=WHO/O=EOP@EOP [ WHO ] )  
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READ:UNKNOWN

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

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

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

CC: Linda Ricci ( CN=Linda Ricci/OU=OMB/O=EOP@EOP [ OMB ] )  
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CC: Rebecca L. Walldorff ( CN=Rebecca L. Walldorff/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

TEXT:

Attached for your sign-off is the final draft House Rules SAP for the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Bill, FY00. House Rules is scheduled for Monday, May 24 at 5:00PM. The bill is scheduled to go to the House floor on Tuesday. Please provide comments and/or your sign-off to me no later than 11:00AM Monday morning.

Also, please note that Jack Lew and Sylvia Mathews have not had the opportunity to review this draft.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D1]ARMS25315735K.136 to ASCII,  
The following is a HEX DUMP:

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May , 1999  
(House Rules)

H.R. -- Agriculture, Rural Development, Food and Drug Administration, and Related  
Agencies Appropriations Act, FY 2000  
(Sponsor: Skeen (R) New Mexico)

The purpose of this letter is to provide the Administration's views on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, FY 2000, as reported by the House Committee. As the House develops its version of the bill, your consideration of the Administration's views would be appreciated.

The allocation of discretionary resources available to the House under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meets such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly \$15 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such proposals.

The Administration appreciates efforts by the Committee to accommodate certain of the President's priorities within the 302(b) allocation. However, the Committee bill is nearly \$600 million, or four percent, below the program level requested by the President. The FY 2000 Budget would increase spending within the discretionary caps for agriculture and other programs in the bill by 3.6 percent over comparable FY 1999 spending. We urge the House to consider the over \$600 million in user fees proposed in the budget in order to fund high-priority programs. Given the current period of financial stress in the agricultural sector, now is not the time to reduce assistance to farmers, ranchers, and rural residents.

Below is a discussion of our specific concerns with the Committee bill. We look forward to working with you to resolve these concerns as the bill moves forward.

Food Safety Initiative

The Administration appreciates the Committee's support for the President's Food Safety Initiative through increases provided in the Food Safety and Inspection Service and the Food and Drug Administration (FDA). However we are concerned that the Committee has provided only \$35 million of the \$62 million increase over FY 1999 levels requested in this bill for the Initiative. American consumers enjoy the world's safest food supply, but still too many Americans get sick, and in some cases die, from preventable food-borne diseases. The President's requested increase would provide critical resources to expand USDA's food safety

research and risk assessment capabilities. We strongly urge the House to provide full funding at the requested levels for these activities.

#### Women, Infants, and Children Program

The Committee bill would provide \$4 billion for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), \$100 million below the President's request of \$4.1 billion. The Committee's mark would support a participation level of 7.3 million women, infants and children. Based on FY 1999 year-end projections, this would mean cutting over 100,000 needy participants off the program. The President's FY 2000 Budget would support an average monthly participation level of 7.5 million, fulfilling the bipartisan commitment to fully fund WIC. The Administration strongly urges the House to fund WIC at the President's requested level.

#### Food and Drug Administration

While the Administration is very pleased that the Committee has provided the largest single-year budget increase in the history of the FDA, we are disappointed that the Committee has not funded the full amount for tobacco programs and the seafood inspection program transfer.

- The Administration is committed to Youth Tobacco Prevention activities and urges the House to provide the requested increase of \$34 million for these programs. Every day, three thousand young people become regular smokers. Reducing young people's tobacco use would improve public health for generations to come. This is particularly important in light of the recent decision of the conferees on the Emergency Supplemental to permit states to retain the entire amount secured from tobacco companies without any commitment whatsoever from the states that those funds be used to reduce youth smoking.
- The Administration urges the House to approve the proposal to consolidate Federal seafood inspection activities. The House is encouraged to fully fund the requested \$3 million for training, education, and other costs associated with the program's transfer.

#### Common Computing Environment

The Administration is extremely concerned by the Committee's failure to fund the Common Computing Environment. Some in Congress have criticized the Department of Agriculture (USDA) this year for delays in providing the crop loss assistance funds to farmers that were provided in P. L. 105-277, the FY 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act. Yet this bill would not provide the funds needed to address the very problems that have contributed to the delay. At a time when the farm community is under financial stress and the demand for farm credit and other programs is soaring, the need for timely and efficient service to producers and rural residents has never been greater. Without the

proposed \$74 million in funding, progress to modernize the technology in USDA's local field offices, create "one-stop shopping" for rural customers, and promptly deliver the programs that Congress enacts with available staffing levels will not be possible.

### Conservation

The Committee bill would cut spending on key USDA conservation programs by over \$200 million from the President's request. The \$26 million reduction in the Environmental Quality Incentives Program (EQIP) would mean 13,000 farmers and ranchers not receiving needed financial and technical assistance to stop soil erosion, improve waste treatment in animal feeding operations, and implement other voluntary conservation measures critical to protecting our natural resources. To further advance this important work, including addressing the significant backlog of farmers' requests for aid, the Administration requested a \$100 million increase in the EQIP program.

### Lands Legacy Initiative

The Committee has failed to fund the \$78 million request for the Farmland Protection Program, which is part of the Administration's Lands Legacy Initiative. USDA needs these funds to help keep farmers on their land by permanently protecting 130,000 acres of prime farmland from development through easement purchases. We urge the House to provide the \$50 million in discretionary funds requested for the program and to redirect savings from the Conservation Farm Option to this program, as well as to the Wildlife Habitat Incentives Program to assist over 3,000 farmers in protecting and restoring wildlife habitat.

### Environment

Several valuable environmental programs would be severely underfunded by the Committee bill, and we urge the House to restore funding for them. For example, the bill would limit enrollment in the Wetlands Reserve Program to 120,000 acres, 80,000 acres less than assumed in the budget. This limitation would mean that over 400 farmers would not receive assistance they desire to restore and protect high-value wetlands on their property. In addition, the Committee has not provided \$12 million requested within the Conservation Operations program, which would be used to assess soil management's effects on carbon sequestration, and \$5 million for USDA's initiative to help communities make use of geospatial data to make more informed land use decisions and promote smart growth.

### Outreach For Socially Disadvantaged Farmers

The Committee bill does not provide the requested \$7 million increase for the Outreach for Socially Disadvantaged Farmers program. This program has proven effective in mitigating the decline in the number of minority farmers by increasing their participation in agricultural programs, assisting them in marketing and production, and improving the profitability of their farming operations. USDA loan default rates have also improved in areas where this program operates. The requested increase is needed to expand this program beyond the limited areas it

now operates, to further these farmers' equal access and opportunity for success, and to continue USDA's work to improve its civil rights performance.

### Rural Development

The Administration appreciates the increases provided for various rural development programs, such as for single-family housing loans and water and wastewater loans and grants. However, several priority programs have been underfunded, which would have a severe impact on low-income rural residents and on progress in diversifying the rural economy. For example, the \$57 million reduction in the Rental Assistance Program would mean that over 1,300 expiring rental assistance contracts would not be renewed. This would leave over 1,300 very-low and low-income residents, most of whom are elderly women or single mothers, facing a very difficult search for affordable shelter. In addition, no funds are provided for rental assistance in newly-constructed farm labor and other rental housing, which would dramatically diminish the ability of newly constructed units to target those most in need of housing.

The Committee bill would also slash guaranteed loans under the Business and Industry program from the enacted and requested guarantee level of \$1 billion to \$482 million, resulting in 20,000 fewer jobs created or saved in rural America through the program. In addition, the Committee has blocked spending from the Fund for Rural America, which would cause further reductions in high-priority rural development and research projects.

### Agricultural Research

The Administration objects to the deep cuts in competitive research grants and the large number of earmarked, lower-priority research projects funded by the bill. The Committee bill would reduce competitive grants funded through the National Research Initiative by \$14 million from the FY 1999 enacted level and by \$95 million from the request. When coupled with the Committee's elimination of the \$120 million in mandatory research funding and other competitive grant funding, the bill would reduce competitive research grants by over \$275 million, or 66 percent, from the requested level. These programs fund much of the most important research needed to keep American agriculture competitive into the 21<sup>st</sup> century and to improve the quality of life for all Americans, such as research on food safety, new uses for agricultural products, developing new markets for agricultural trade, and improving the environment through efforts such as finding alternatives to methyl bromide. We urge the House to increase funds for competitive research and to reduce earmarks for lower-priority programs.

### Kyoto Protocol

The Committee has included a general provision that would prevent funds provided in the bill from being used to implement the Kyoto Protocol that was adopted in December 1997. As the Administration has no intention of implementing the protocol prior to ratification, we believe this language is unnecessary.

Food and Nutrition Service Research/Other

The Administration strongly objects to the provision of the Committee bill that would provide funding for research on nutrition programs only within the Economic Research Service. To address program integrity and performance issues properly, it is crucial that research on nutrition programs also occur in the context of the program's administration. We urge the House to provide funding for these activities within the Food and Nutrition Service.

The Administration also objects to the Committee not including the President's request to provide funding for the school breakfast demonstration programs and for Nutrition Education and Training.

We urge the House to approve the collection of \$17 million in additive user fees targeted to support the FDA's Pre-market Application Review efforts for new medical devices, food and color additives, and food contact substances. The proposed user fees would allow the FDA to work with its regulated industries to reduce total product development time and meet statutory review requirements. Delays in getting new products to the market can postpone new technologies that have the potential to save lives and save billions of dollars in health care costs. The Administration would like to work with Congress to make this proposal a reality.

Language Issues

The Administration objects to section 723 of the bill, which represents an infringement on Executive authority. The provision would require Congressional approval before Executive Branch execution. The Administration will interpret this and other such provisions to require notification only, since any other interpretation would contradict the Supreme Court ruling in INS vs. Chada.

Section 733 of the bill would effectively require the President to provide legislative guidance to Congress by identifying the legislation he would propose if a given recommendation were not accepted. Such a requirement that the President spell out for Congress his fallback position in the budget negotiation process conflicts with the Constitution's separation of executive and legislative powers, and specifically with the President's constitutional authority to recommend to Congress legislation that he deems appropriate.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Waldman ( CN=Michael Waldman/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-MAY-1999 12:00:30.00

SUBJECT: rhetorical paragraphs I'd like the President to approve to give to NYT

TO: Erica S. Lepping ( CN=Erica S. Lepping/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

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

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

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

TEXT:

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 with their children. 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 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.

\*\*\*\*

We must think bigger. On the eve of the 21st Century, we should set a goal that all working Americans can take the time they need to care

for their families without losing the income they need to support their families. Americans must have paid family leave.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-MAY-1999 10:51:18.00

SUBJECT: Katzen/Ruff/Maria Meeting on Attorney's fees in federal sector rule

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Sally K. is having a meeting with Chuck Ruff, Josh and Maria today at 2 p.m. in Chuck's office to discuss whether federal employees should be able to receive attorney's fees during the mandatory pre-complaint process when they initiate an EEO claim against their agency, as proposed by EEOC's new rule. Treasury objects to fees being available at this stage of the process even though they are available after a formal complaint has been filed. OMB's staff position is that fees should be available. Ellen Vargyas (EEOC) has told me that she thinks that she will lose a couple of the Commissioner's votes if the availability of fees is not left in the rule. If you aren't coming to the meeting, what position would you be inclined to take? EEOC prefers fees being available because this process is at the most 90 days and if an employee wanted a lawyer (although they don't think many will), the lawyer could provide a "reality check" and help facilitate an early settlement. Treasury thinks that lawyers will slow down the process. FYI--the amount of fees government-wide for the rest of the administrative process was only about \$5 million in FY7. Attached is a memo which sets forth the pros and cons. Let know what you think. Thanks, Mary ===== ATTACHMENT 1 =====

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

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## **PRE-COMPLAINT ATTORNEYS FEES FOR EEOC FEDERAL SECTOR RULE**

As you know, the EEOC Federal Sector Rule, which will make the EEO process for federal sector employees fairer and more efficient, is almost completed. On Tuesday, May 18, Sally Katzen held a meeting with the relevant agencies and was able to resolve almost all of the outstanding issues. However, Treasury and Commerce (and several other agencies) raised an objection to permitting attorney's fees at the pre-complaint process. Under the current rule, attorney's fees are not available for work done at the pre-complaint stage of complaint processing, but are available once an employee files a formal complaint with the agency.

Sally has scheduled a meeting for Friday, May 21 at 2 p.m. in Chuck Ruff's office to get your views on whether attorney's fees should be available at the pre-complaint stage.

Below are the agency's arguments against attorney's fees at the pre-complaint process and EEOC's arguments in favor of permitting fees.

### Arguments Against Pre-Complaint Fees

The agencies argue that allowing EEOC to award attorneys fees for pre-complaint activities will lead to a significant increase in the incidence of attorney presence at the pre-complaint stage, which will in turn have the effect of increasing the backlog of cases and slowing down the process. There are several significant points that support this:

- EEOC does not dispute that the effect of the provision will be to increase the presence of attorneys at the pre-complaint stage. The fact that the plaintiff's bar has taken a strong position in favor of this change is further evidence that there will be an increased attorney presence pre-complaint.
- Early resolution of disputes is more likely to occur in the absence of an attorney. This is because the current pre-complaint process is both informal and non-adversarial. The introduction of an attorney formalizes and makes more adversarial the process and thus provides a disincentive for the agency to settle.
  - (i) Counseling and ADR have proven to be extremely effective "informal" dispute resolution mechanisms at the pre-complaint stage. The introduction of an attorney would "formalize" the pre-complaint process, requiring for example, the agency to bring their own attorneys into the process. The result would be to reduce the effectiveness of these "informal" mechanisms.
  - (ii) Two benefits of the current informal pre-complaint resolution process are its speed and low cost. Involving attorneys with their added scheduling problems, duty to formalize and forcefully advocate for their clients (on both sides) negates this benefit.

(iii) The presence of attorneys will likely inhibit an open and objective discussion of the parties' concerns, and become a vehicle in which attorneys attempt to gain free discovery.

- Under the current system, agencies have the option to settle with non-monetary solutions (e.g., placing the employee in a different environment). When attorneys are in the process at the pre-complaint stage, then all settlements would have to contain a monetary element in order to appropriately compensate the attorney.
- Agencies currently settle many meritless cases simply because the costs are low and they want to minimize disruption in the workplace, even if unlawful discrimination is not involved. Providing for attorneys fees in the informal process will raise the costs of these settlements and thus send more meritless cases to the Commission.
- Potential disputes over the amount of attorney's fees in the pre-complaint process will complicate settlement negotiations with yet another issue for resolution.
- The NPR initiative, which is just getting underway, will be looking for ways to decrease the backlog. They will seek to identify the causes of the backlog and try to craft solutions. According to Treasury, given that NPR has not started its work with agencies, it would be inappropriate to take regulatory action.

#### Arguments in Favor of Permitting Fees at the Pre-Complaint Stage

- The pre-complaint process, while informal, is mandatory. It is unfair to disallow fees for work done during a part of the EEO process in which a complainant must participate.
- In response to agency arguments that introducing attorneys into the process at an early stage will impede settlements of cases, EEOC believes that:
  - Access to counsel for federal employees is important because it will help them better understand their rights and more effectively assess and structure settlement options. Attorney representation is not something to be avoided.
  - There is no data suggesting that early attorney representation thwarts settlements. EEOC's experience suggests that attorney involvement can make settlements more likely since complaining parties will have both a more accurate view of the merits of their claims and more confidence that the settlement process will serve their interests.
- EEOC has an extensive mediation program as part of its private-sector charge processing program. While there is not the same distinction between pre- and post-complaint stages in the private sector, mediation typically takes place early in the process. Attorneys are welcome on behalf of both charging parties and respondents. EEOC's experience is that

representation can be a very positive factor in achieving settlements in these cases.

There are no similar limitations on the availability of fees in other proceedings involving federal employees. As EEOC pointed out in the preamble to the NPRM, OPM's Back Pay Act regulations provide for the payment of fees in cases resolved during the informal stage of the grievance process. In addition, MSPB's regulations do not contain restrictions on attorney's fees.

There is no data on the extent of attorney representation at the counseling phase. EEOC believes that representation will be relatively rare since it is not economically attractive for attorneys to take on these cases on a contingent fee basis because, except in a highly unusual case, not nearly enough money is involved. If complaining parties hire attorneys and pay them on an hourly basis, it is likely that fees will be extremely low since most people cannot afford – and do not choose to pay – fees in this fashion.

In response to arguments that substantial sums will be involved in satisfying the voracious demands of attorneys, EEOC notes that attorneys fees awarded government-wide in the administrative EEO process are low. In FY 97, the most recent year for which EEOC has figures, only \$ 4.838 million was paid in fees and costs in connection with all EEO claims at the agency, AJ, and EEOC appellate stages. Clearly, most of these fees are for work done at the hearing and appellate levels. Even with an aggressive attorney, it is hard to see how a substantial amount of fees could be incurred at the pre-complaint stage unless the case is unusually complicated. In such a case, EEOC argues that representation would be particularly appropriate. Furthermore, if complainants are demanding exorbitant fees to settle at the pre-complaint stage, agencies are free to simply say no.

Public comments in support of the proposal for pre-complaint fees included submissions by: the Washington Lawyers' Committee for Civil Rights and Urban Affairs; Federally Employed Women; National Employment Lawyers Association; Metropolitan Washington Employment Lawyers Association; and several private law firms.

These comments focused on the arguments that fairness requires the payment of fees since the pre-complaint process is mandatory as well as that early attorney intervention can often expedite the early resolution of charges. As a sole practitioner from Texas pointed out, "My experience is that attorney representation in the early stages of the process leads to more timely settlements."

A law firm with an extensive practice on behalf of federal employees further explained: "In addition to the legal imperative to pay such fees, there are sound policy reasons to make the change proposed by the Commission. The Commission should encourage, not discourage, Federal employees to seek the advice of counsel before deciding whether or not to file a complaint of discrimination, in preparing such a complaint, and in the ADR process. Attorneys often provide a 'reality check' for employees and often enhance the early and fair resolution of complaints."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-MAY-1999 15:51:45.00

SUBJECT: Monday's DPC Team Leaders Meeting -- Time Change

TO: Nicole R. Rabner ( CN=Nicole R. Rabner/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: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./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: Karin Kullman ( CN=Karin Kullman/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: Cynthia A. Rice ( CN=Cynthia A. Rice/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN

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

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

CC: Teresa M. Jones ( CN=Teresa M. Jones/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN

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

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

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

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

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

TEXT:

There will be a DPC Team Leaders Meeting on Monday, May 24 at 9:45 a.m. in Bruce's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-MAY-1999 16:17:04.00

SUBJECT: ESEA

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

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

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

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

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

TEXT:

The Chair and Vice Chair of the DGA, Govs O'Bannon and Gov Patton will sign a letter largely supportive of our ESEA proposal. It will applaud the leadership and commitment we have shown, and indicate a desire to work out some of the accountability details. But the tone is as good as we could hope for. Additional Governors will be asked to do individual letters next week. I'll work on some GOP Govs - but don't hold your breath.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kelley L. O'Dell ( CN=Kelley L. O'Dell/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:21-MAY-1999 16:49:00.00

SUBJECT: The White House Conference on Mental Health

TO: Wong ( Wong @inet [ WHO ] )  
READ:UNKNOWN

TO: Pollack ( Pollack @inet [ NSC ] )  
READ:UNKNOWN

TO: Lynn ( Lynn @inet [ WHO ] )  
READ:UNKNOWN

TO: Lewis ( Lewis @inet [ WHO ] )  
READ:UNKNOWN

TO: Leake ( Leake @inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Kring ( Kring @inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Kagan ( Kagan @inet [ OPD ] )  
READ:UNKNOWN

TO: Hawkins ( Hawkins @inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Gordon ( Gordon @inet [ OA ] )  
READ:UNKNOWN

TO: Germain ( Germain @inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Gabelnick@inet ( Gabelnick@inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Crosby@inet ( Crosby@inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Cook@inet ( Cook@inet [ OA ] )  
READ:UNKNOWN

TO: Brandt@inet ( Brandt@inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Benjamin@inet ( Benjamin@inet [ WHO ] )  
READ:UNKNOWN

TO: Beth Feldpush ( Beth Feldpush @ inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Roit ( Roit @inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Page ( Page @inet [ OPD ] )

READ:UNKNOWN

TO: Loveland ( Loveland @inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Lew ( Lew @inet [ OMB ] )  
READ:UNKNOWN

TO: Langer ( Langer @inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Kane ( Kane @inet [ OPD ] )  
READ:UNKNOWN

TO: Kaeser ( Kaeser @inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Hager ( Hager @inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Gold ( Gold @inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Garfinkel@inet ( Garfinkel@inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Figueroa@inet ( Figueroa@inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Cooper@inet ( Cooper@inet [ NSC ] )  
READ:UNKNOWN

TO: Cohen@inet ( Cohen@inet [ WHO ] )  
READ:UNKNOWN

TO: Benshoof@inet ( Benshoof@inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Barclay@inet ( Barclay@inet [ WHO ] )  
READ:UNKNOWN

TO: Kelli Mills ( Kelli Mills @ inet [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

The White House Conference on Mental Health  
Working for a Healthier America  
June 7, 1999

"It's time to bring health care into the 21st century and end the stigma and discrimination that have for too long prevented people from seeking the treatment that can help them live healthy, productive lives."  
--Mrs. Tipper Gore

Join Mrs. Gore as she chairs, along with the President, Vice President and First Lady, a live televised satellite conference on mental health. The conference, on June 7, 1999, will bring together consumers, providers, advocacy groups, business leaders, community mental health resources, and

local, state, and national elected officials as well as leaders in mental health research and pharmacology, service delivery and insurance coverage. The White House Conference on Mental Health: Working for a Healthier America will take place at Howard University in Washington D.C. You can be a part of this national dialogue by hosting a local discussion and viewing the broadcast. \*\*\*

Conference Background and Purpose: On June 7, 1999, the White House will host the first ever White House Conference on Mental Health to address an issue that impacts more than 50 million Americans and countless more family and friends who support loved ones living with mental illness.

In his 1999 State of the Union address, President Clinton announced the first ever White House Conference on Mental Health to be chaired by Mrs. Tipper Gore. As the President's Mental Health Policy Advisor and well-known advocate for people with mental illness, Mrs. Gore has made a strong commitment to eradicate the stigma and discrimination associated with mental illness and educate Americans about the need for quality, affordable mental health care.

Breakthroughs in science, research and medicine have taught us more than ever before about the brain and the connections between mental health and physical well being. Despite these advances, there is still a widespread stigma and discrimination attached to mental illness based on a lack of understanding. Many agree that this is one of the last stigmas of the 20th century that we have not yet begun to fully address.

The White House Conference on Mental Health will seek to shed light and understanding on issues surrounding mental illness and its impact on people of all ages. It will highlight cutting-edge treatments and approaches to recovery, dispel myths about mental illness and bring us closer to a time when mental health is given the same level of importance as physical health.

The exact times of the satellite broadcasts are 12:30 PM-2PM EST and 3:30 PM-5 PM EST. There are two broadcasts: an opening plenary with the President, Vice-President, First Lady, and the conference chair, Mrs. Gore; and a second broadcast, which is a town-hall meeting interacting the Gores with three interactive sites across the country. The three sites that will be used for this conference are Flint, Michigan; Atlanta, Georgia; and Portland, Oregon. All satellite sites across the country will view this interaction and have the opportunity to interject questions via the chat room of NASA's webcast (to access this, click on WEBCAST from [www.mentalhealth.gov](http://www.mentalhealth.gov)). The coordinators are working with these areas to develop a program and will provide the point of contact very soon.

\*\*\*You can show your support and be a part of the broadcast by hosting your own meeting on mental health. To create your own host site, you must first visit the web site, [www.mentalhealth.gov](http://www.mentalhealth.gov), to register your meeting and read available materials. If you cannot access the website, please call 1-202-456-6671 for information. Secondly, you must identify participants and organizers from a cross-section of perspectives including: consumers, providers, advocacy groups, business leaders, community mental health resources, and local, state, and national elected officials as well as leaders in mental health research and pharmacology, service delivery and insurance coverage. Thirdly, you must create a design team to organize your meeting and invite participants and speakers. Lastly, you must identify one person as the meeting facilitator to thoroughly read the website materials, become familiar with the topic, and know how to get questions answered.



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-MAY-1999 12:47:57.00

SUBJECT: Katzen/Ruff/Maria Meeting on Attorney's fees in federal sector rule -- Pos

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

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

READ:UNKNOWN

TEXT:

This meeting has been postponed until next week . . . OMB is working on a compromise position

----- Forwarded by Mary L. Smith/OPD/EOP on 05/21/99

12:46 PM -----

Mary L. Smith

05/21/99 10:51:09 AM

Record Type: Record

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

cc: Laura Emmett/WHO/EOP, Thomas L. Freedman/OPD/EOP

Subject: Katzen/Ruff/Maria Meeting on Attorney's fees in federal sector rule

Sally K. is having a meeting with Chuck Ruff, Josh and Maria today at 2 p.m. in Chuck's office to discuss whether federal employees should be able to receive attorney's fees during the mandatory pre-complaint process when they initiate an EEO claim against their agency, as proposed by EEOC's new rule. Treasury objects to fees being available at this stage of the process even though they are available after a formal complaint has been filed. OMB's staff position is that fees should be available. Ellen Vargyas (EEOC) has told me that she thinks that she will lose a couple of the Commissioner's votes if the availability of fees is not left in the rule. If you aren't coming to the meeting, what position would you be inclined to take? EEOC prefers fees being available because this process is at the most 90 days and if an employee wanted a lawyer (although they don't think many will), the lawyer could provide a "reality check" and help facilitate an early settlement. Treasury thinks that lawyers will slow down the process. FYI--the amount of fees government-wide for the rest of the administrative process was only about \$5 million in FY7. Attached is a memo which sets forth the pros and cons. Let know what you think. Thanks, Mary

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D62]ARMS23775535T.136 to ASCII,

The following is a HEX DUMP:

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**PRE-COMPLAINT ATTORNEYS FEES  
FOR EEOC FEDERAL SECTOR RULE**

As you know, the EEOC Federal Sector Rule, which will make the EEO process for federal sector employees fairer and more efficient, is almost completed. On Tuesday, May 18, Sally Katzen held a meeting with the relevant agencies and was able to resolve almost all of the outstanding issues. However, Treasury and Commerce (and several other agencies) raised an objection to permitting attorney's fees at the pre-complaint process. Under the current rule, attorney's fees are not available for work done at the pre-complaint stage of complaint processing, but are available once an employee files a formal complaint with the agency.

Sally has scheduled a meeting for Friday, May 21 at 2 p.m. in Chuck Ruff's office to get your views on whether attorney's fees should be available at the pre-complaint stage.

Below are the agency's arguments against attorney's fees at the pre-complaint process and EEOC's arguments in favor of permitting fees.

Arguments Against Pre-Complaint Fees

The agencies argue that allowing EEOC to award attorneys fees for pre-complaint activities will lead to a significant increase in the incidence of attorney presence at the pre-complaint stage, which will in turn have the effect of increasing the backlog of cases and slowing down the process. There are several significant points that support this:

- EEOC does not dispute that the effect of the provision will be to increase the presence of attorneys at the pre-complaint stage. The fact that the plaintiff's bar has taken a strong position in favor of this change is further evidence that there will be an increased attorney presence pre-complaint.
- Early resolution of disputes is more likely to occur in the absence of an attorney. This is because the current pre-complaint process is both informal and non-adversarial. The introduction of an attorney formalizes and makes more adversarial the process and thus provides a disincentive for the agency to settle.
  - (i) Counseling and ADR have proven to be extremely effective "informal" dispute resolution mechanisms at the pre-complaint stage. The introduction of an attorney would "formalize" the pre-complaint process, requiring for example, the agency to bring their own attorneys into the process. The result would be to reduce the effectiveness of these "informal" mechanisms.
  - (ii) Two benefits of the current informal pre-complaint resolution process are its speed and low cost. Involving attorneys with their added scheduling problems, duty to formalize and forcefully advocate for their clients (on both sides) negates this benefit.

(iii) The presence of attorneys will likely inhibit an open and objective discussion of the parties' concerns, and become a vehicle in which attorneys attempt to gain free discovery.

Under the current system, agencies have the option to settle with non-monetary solutions (e.g., placing the employee in a different environment). When attorneys are in the process at the pre-complaint stage, then all settlements would have to contain a monetary element in order to appropriately compensate the attorney.

Agencies currently settle many meritless cases simply because the costs are low and they want to minimize disruption in the workplace, even if unlawful discrimination is not involved. Providing for attorneys fees in the informal process will raise the costs of these settlements and thus send more meritless cases to the Commission.

Potential disputes over the amount of attorney's fees in the pre-complaint process will complicate settlement negotiations with yet another issue for resolution.

The NPR initiative, which is just getting underway, will be looking for ways to decrease the backlog. They will seek to identify the causes of the backlog and try to craft solutions. According to Treasury, given that NPR has not started its work with agencies, it would be inappropriate to take regulatory action.

#### Arguments in Favor of Permitting Fees at the Pre-Complaint Stage

The pre-complaint process, while informal, is mandatory. It is unfair to disallow fees for work done during a part of the EEO process in which a complainant must participate.

In response to agency arguments that introducing attorneys into the process at an early stage will impede settlements of cases, EEOC believes that:

Access to counsel for federal employees is important because it will help them better understand their rights and more effectively assess and structure settlement options. Attorney representation is not something to be avoided.

There is no data suggesting that early attorney representation thwarts settlements. EEOC's experience suggests that attorney involvement can make settlements more likely since complaining parties will have both a more accurate view of the merits of their claims and more confidence that the settlement process will serve their interests.

EEOC has an extensive mediation program as part of its private-sector charge processing program. While there is not the same distinction between pre- and post-complaint stages in the private sector, mediation typically takes place early in the process. Attorneys are welcome on behalf of both charging parties and respondents. EEOC's experience is that

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representation can be a very positive factor in achieving settlements in these cases.

There are no similar limitations on the availability of fees in other proceedings involving federal employees. As EEOC pointed out in the preamble to the NPRM, OPM's Back Pay Act regulations provide for the payment of fees in cases resolved during the informal stage of the grievance process. In addition, MSPB's regulations do not contain restrictions on attorney's fees.

There is no data on the extent of attorney representation at the counseling phase. EEOC believes that representation will be relatively rare since it is not economically attractive for attorneys to take on these cases on a contingent fee basis because, except in a highly unusual case, not nearly enough money is involved. If complaining parties hire attorneys and pay them on an hourly basis, it is likely that fees will be extremely low since most people cannot afford – and do not choose to pay – fees in this fashion.

In response to arguments that substantial sums will be involved in satisfying the voracious demands of attorneys, EEOC notes that attorneys fees awarded government-wide in the administrative EEO process are low. In FY 97, the most recent year for which EEOC has figures, only \$ 4.838 million was paid in fees and costs in connection with all EEO claims at the agency, AJ, and EEOC appellate stages. Clearly, most of these fees are for work done at the hearing and appellate levels. Even with an aggressive attorney, it is hard to see how a substantial amount of fees could be incurred at the pre-complaint stage unless the case is unusually complicated. In such a case, EEOC argues that representation would be particularly appropriate. Furthermore, if complainants are demanding exorbitant fees to settle at the pre-complaint stage, agencies are free to simply say no.

Public comments in support of the proposal for pre-complaint fees included submissions by: the Washington Lawyers' Committee for Civil Rights and Urban Affairs; Federally Employed Women; National Employment Lawyers Association; Metropolitan Washington Employment Lawyers Association; and several private law firms.

These comments focused on the arguments that fairness requires the payment of fees since the pre-complaint process is mandatory as well as that early attorney intervention can often expedite the early resolution of charges. As a sole practitioner from Texas pointed out, "My experience is that attorney representation in the early stages of the process leads to more timely settlements."

A law firm with an extensive practice on behalf of federal employees further explained: "In addition to the legal imperative to pay such fees, there are sound policy reasons to make the change proposed by the Commission. The Commission should encourage, not discourage, Federal employees to seek the advice of counsel before deciding whether or not to file a complaint of discrimination, in preparing such a complaint, and in the ADR process. Attorneys often provide a 'reality check' for employees and often enhance the early and fair resolution of complaints."