

NLWJC - KAGAN

EMAILS RECEIVED

TRP - BOX 101 - FOLDER -008

[11/20/1996-03/26/1997]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Cheryl Sweitzer to Elena Kagan re: Departing (1 page)	12/19/1996	P6/b(6)
002. email	JBAMI to Elena Kagan re: Personal (2 pages)	01/15/1997	Personal Misfile
003. email	JBAMI to Elena Kagan re: Personal (1 page)	01/16/1997	Personal Misfile
004. email	jsmartt to Elena Kagan et al. re: stuff [partial] (1 page)	03/18/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
Default ([Kagan])
OA/Box Number: 1100000

FOLDER TITLE:

[11/20/1996 - 03/26/1997]

2009-1006-F

ds288

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: FEDERAL (TRP NOTES MAIL)

CREATOR: Cheryl L. Sweitzer (Cheryl L. Sweitzer@EOP@LNGTWY@LNGTWY [UNKNOWN])

CREATION DATE/TIME:20-NOV-1996 13:09:00.00

SUBJECT: Appointment on Friday

TO: Cheryl D. Mills (Cheryl D. Mills@eop [UNKNOWN])
READ:UNKNOWN

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])
READ:UNKNOWN

TEXT:
Message Creation Date was at 20-NOV-1996 12:09:00

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Cheryl L. Sweitzer (Cheryl L. Sweitzer@EOP@LNGTWY@LNGTWY [UNKNOWN])

CREATION DATE/TIME:16-DEC-1996 12:07:00.00

SUBJECT:

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

Message Creation Date was at 16-DEC-1996 11:07:00

I know this is the least of your cares; however, who do you think will be attending the welfare reform meeting for Jack once you've gone ... that is, of course, if you insist on leaving (I'm still holding out hope)!

Withdrawal/Redaction Marker

Clinton Library

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COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
Default ([Kagan])
OA/Box Number: 1100000

FOLDER TITLE:

[11/20/1996 - 03/26/1997]

2009-1006-F
ds288

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

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002. email	JBAMI to Elena Kagan re: Personal (2 pages)	01/15/1997	Personal Misfile

COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
Default ([Kagan])
OA/Box Number: 1100000

FOLDER TITLE:

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Withdrawal/Redaction Marker

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003. email	JBAMI to Elena Kagan re: Personal (1 page)	01/16/1997	Personal Misfile

COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
Default ([Kagan])
OA/Box Number: 110000

FOLDER TITLE:

[11/20/1996 - 03/26/1997]

2009-1006-F
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RESTRICTION CODES

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

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RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Cathy R. Mays (Cathy R. Mays@EOP@LNGTWY@LNGTWY [UNKNOWN])

CREATION DATE/TIME:27-JAN-1997 19:41:00.00

SUBJECT: BR Scheduled (Tentative)

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

Message Creation Date was at 27-JAN-1997 18:41:00

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

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

TEXT:

The following attachments were included with this message:

TYPE : FILE
NAME : schedule.j28

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

=====
ATTACHMENT 2
=====

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D84]ARMSZZ0005399.001 to ASCII,
The following is a HEX DUMP:

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BRUCE REED

**Daily Schedule for
Tuesday
January 28, 1997**

**11:00 Andrew Cuomo
(Your office)**

**4:00 CFR Meeting with
POTUS-Common Cause
EK?**

**4:00 WR Strategy Mtg
(Room 211)**

**5:30 POTUS Strategy
Meeting
(Residence)**

7:00 Reception

**8:00 Congressional Dinner
Money Magazine
(Washington Hilton)**

Schedule printed 1/27

Automated Records Management System
Hex-Dump Conversion

January 27, 1997

MEMORANDUM FOR THE PRESIDENT

FROM BRUCE REED

SUBJECT *Add On To The Micro Credit Awards Event*

On Thursday, January 30, 1997 you are scheduled to take part in the micro credit ceremony in the East Room. The First Lady and Secretary Rubin, with you, will present the first annual Presidential Awards in Excellence for *domestic* micro credit programs. You will be honoring seven successful micro-entrepreneurs. A reception will follow.

In addition, you will be able to make two related announcements -- a new public-private partnership to pursue highly aggressive welfare to work efforts, and a commitment to increase CDFI funding. The announcements will emphasize new private sector involvement and funding for welfare to work efforts, including microenterprise. The public-private partnership will give you the opportunity to highlight another corporation -- Chase Bank -- stepping up to meet your welfare to work challenge to corporate America.

1. *Announce the Chase Manhattan Bank/Rockefeller Foundation/HUD Welfare-to-Work \$9.0 Million Dollar Partnership.*

Chase Manhattan Bank and the Rockefeller Foundation have teamed with HUD in a three-way partnership to plan and fund long-term private sector welfare-to-work demonstrations designed to raise employment rates by as much as 20-30 percent in small urban neighborhoods. Chase and Rockefeller have committed a total of \$7.5 million to the project along with an initial \$1.5 million commitment from HUD. The Rockefeller Foundation expects to raise an additional \$7.5 million from corporations, foundations, and government agencies.

Organizations in 15 *urban* communities throughout the country will be selected to participate in these demonstrations. *Systematic research* will monitor activities and community outcomes to determine whether dramatic increases in employment can be achieved.

Funding will go in part to community organizations committed to undertaking intensive training and private sector job placement efforts with four common elements: work incentives; state-of-the-art job placement and retention services; expanded access to capital for neighborhood residents and business owners; and a creation of a community culture that supports work. Funding will also go to Public Housing Authorities in 5-6 cities to train and place public housing residents in jobs while simultaneously modifying welfare and housing policies to encourage work.

Peter Goldmark, President of the Rockefeller Foundation, the Vice Chair of Chase Bank, and a high level representative from HUD will be present.

2. Reiterate commitment to increase the Community Development Financial Institutions (CDFI) Fund budget.

Your new budget includes a \$1 billion increase over five years for the CDFI Fund, which coordinates the Administration's numerous microenterprise programs. The exact dollar amount for our FY '98 budget has not yet become public.

Automated Records Management System
Hex-Dump Conversion

6164646974696F6E616CCF24372E35806D696C6C696F6E8066726F6D80636F72706F726174696F
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==== END ATTACHMENT 1 =====

==== ATTACHMENT 2 =====

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

TEXT:

The following attachments were included with this message:

TYPE : FILE
NAME : WEL2.ROK

==== END ATTACHMENT 2 =====

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Carol_Rasco (Carol_Rasco@ed.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:29-JAN-1997 19:10:00.00

SUBJECT: Early Childhood Research

TO: Bruce N. Reed (Bruce N. Reed@EOP [UNKNOWN])
READ:UNKNOWN

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])
READ:UNKNOWN

TO: Michael Cohen (Michael Cohen@EOP [UNKNOWN])
READ:UNKNOWN

TO: Nicole R. Rabner (Nicole R. Rabner@eop [UNKNOWN])
READ:UNKNOWN

TEXT:

First, congrats on a terrific meeting today!

Two items on the early childhood brain development front:

a. Secretary Riley asked that I re-emphacize to you the research group he referenced that is working on early childhood work. It is housed in the Department of Education Office of Educational Research and Improvement (OERI) and within OERI it is specifically the

National

Institute on Early Childhood Development and Education which is chaired by Naomi Karp...Jeannine Smartt has worked with Naomi, I believe.

I have learned that in 1995 Naomi established an Early Childhood Research Working Group which brings together the early childhood staff

in 8 Federal departments and the GAO. It is about 80 people who are involved in research, data collection, and ;or service delivery programs that affect children from birth through 8 years of age and their families. The group meets four times a year, produces a

quarterly newsletter, and has served as a mechanism that encourages partnerships across agencies. The next meeting is 1:30 p.m. to 3:30 p.m. on February 5th in Room 326 of 555 Capital Place and I will be attending that meeting. I know they would welcome White House participation if you all wish to send someone or even more than one person. This particular quarterly meeting will focus on how the country's collective knowledge bases about young children and

families

a=have benefited from the Federal investment in research and what issues are Federal agencies now struggling to answer. Let me know if anyone/several people wish to go and I'll alert Naomi. I have asked her to send me some newsletters and previous reports, and I know she would be willing to send you a packet as well.

They plan to have their next meeting on reading and early childhood, but I am sure they would speed up their research on this issue if you wish to use them as a resource. It may be that this group has on it the very people who were suggested today to have around the table for a briefing for the White House.

2. On February 19 I will be meeting in my office at 11 a.m. with Stephen Herb who is the President of the Association of Library Services for Children which is a division of the American Library Association. He is the head of the Education Library at Penn State University and his President is one of the 20 on our college work study steering committee. He is an expert in children's literature, has a great deal of experience on outreach programs to parents, and has written a book on reading development for young children. Coming with him will be Susan Roman, exec. director of ALSC. She has directed programs like the ones we envision in the Parents as

First Teachers Grants, including the Head Start Museum project and the "Born to Read" project which the First Lady spoke of at the Children's Hospital just before Christmas. I would welcome White House participation at this meeting as well. It will be 30 minutes

to an hour.===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IESM26Z4MO00PY0N@PMDF.EOP.GOV>; Wed,

29 Jan 1997 18:11:01 -0400 (EDT)

Received: from oeri.ed.gov (oeri.ed.gov) by STORM.EOP.GOV (PMDF V5.0-7 #6879)
id <01IESM226ZXU007IO2@STORM.EOP.GOV>; Wed, 29 Jan 1997 18:10:57 -0700 (MST)

Received: from smtpgwyl.ed.gov (smtpgwyl.ed.gov [165.224.217.37])

by oeri.ed.gov (8.7.5/8.7.3) with SMTP id SAA26212; Wed,

29 Jan 1997 18:12:40 -0500 (EST)

Received: from ccMail by smtpgwyl.ed.gov (IMA Internet Exchange 1.04b)
id 2efd8790; Wed, 29 Jan 1997 18:08:41 -0500

Content-description: cc:Mail note part

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Beverly.Godwin (Beverly.Godwin@npr.gsa.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:30-JAN-1997 15:00:00.00

SUBJECT: Oregon, NGA Meeting, and JTPA Waiver Approval

TO: Bruce N. Reed (Bruce N. Reed@EOP [UNKNOWN])

READ:UNKNOWN

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

Here's some opportunity for while Governors in town next week. I

just

heard from the Dept of Labor that they are about to approve Oregon's waiver request under Job Training Partnership Act -- and are looking for opportunities on how to best say YES. Here are some facts:

Oregon is the FIRST state to get a JTPA waiver; others states are invited to come forward for similar waivers.

The waivers are for improved performance of workforce systems and outcomes through more flexibility to states/locals to make decisions about serving their customers. Removes administrative barriers to achieving results.

This is new statutory waiver authority for the Secy of Labor, which resulted in part from the Oregon Option partnership

President or VP could announce waiver approval at NGA meeting as part of points of providing greater flexibility; and invite other Govs to come forward.

Or, given VP's involvement in Oregon Option, he could meet separately with Gov or some other event to make announcement.

I'll be glad to help in any way.===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IETPK50VZK00JG3D@PMDF.EOP.GOV>; Thu,

30 Jan 1997 13:02:34 -0400 (EDT)

Received: from sunshine.gsa.gov by STORM.EOP.GOV (PMDF V5.0-7 #6879)
id <01IETPJYD8QA007IO2@STORM.EOP.GOV>; Thu, 30 Jan 1997 13:02:26 -0700 (MST)

Received: from CCGATE1.GSA.GOV by sunshine.gsa.gov (5.0/SMI-SVR4)
id AA11613; Thu, 30 Jan 1997 12:54:00 +0500

Received: from ccMail by CCGATE1.GSA.GOV (SMTPLINK V2.11.01)
id AA854658027; Thu, 30 Jan 1997 13:00:51 -0500 (EST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Beverly.Godwin (Beverly.Godwin@npr.gsa.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:31-JAN-1997 14:54:00.00

SUBJECT: daughter of local flex

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])

READ:UNKNOWN

TO: Jonathan D. Breul (Jonathan D. Breul@eop [UNKNOWN])

READ:UNKNOWN

TO: Kenneth S. Apfel (Kenneth S. Apfel@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

To address a few concerns:

This version is NOT more comprehensive than Local Flex bill last year.

That bill was govt-wide, and included regulatory agencies -- was a lot of opposition from regulatory side, particularly environmentalists.

This version also includes only programs under jurisdiction of Labor-HHS-Ed Appropriations subcommittee - not justice, agriculture, et al.

Strong opposition last year came from, in addition to environmentalists, the education voucher issue (which needs to be addressed through exclusion) and from labor unions. Re: labor unions, the Admin's exclusions list for Local Flex addressed this ... a more specific list is part of the Workforce Flexibility provisions passed in approp. act last year. These were worked out with labor unions and include the following exclusions:

For Title I-III of JTPA (EXCEPTIONS for requirements relating to wage and labor standards, grievance procdures and judicial review, non-discrimination, allotment of funds (would not want this if want funding flexibility), and eligibility (don't recommend this; really restricts flexibility0)

For Wagner-Peyser Act (EXEMPTIONS FOR: requirements relating to the provision of services to unemployment insurance claimants and venterans, and to univesal access to basic labor exchange services

without cost to job sekkers)===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IEV3OBKMZK00WRPB@PMDF.EOP.GOV>; Fri,

31 Jan 1997 12:57:36 -0400 (EDT)

Received: from sunshine.gsa.gov by STORM.EOP.GOV (PMDF V5.0-7 #6879)

id <01IEV3O65CCE007IO2@STORM.EOP.GOV>; Fri, 31 Jan 1997 12:57:32 -0700 (MST)

Received: from CCGATE1.GSA.GOV by sunshine.gsa.gov (5.0/SMI-SVR4)

id AA13465; Fri, 31 Jan 1997 12:49:00 +0500

Received: from ccMail by CCGATE1.GSA.GOV (SMTPLINK V2.11.01)

id AA854744125; Fri, 31 Jan 1997 12:54:47 -0500 (EST)

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Carol_Rasco (Carol_Rasco@ed.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 4-FEB-1997 20:02:00.00

SUBJECT: Brain development conference

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

I visited with Rob Reiner and crew this afternoon at the National Education Goals Panel meeting. They are eager for the meeting tomorrow with Bruce; they have made a phenomenal impact on governors during the last two days and on the state legislators at the Panel meeting today. For those of us who have tried to work hard on early childhood development for years it is so exciting!

They are hopeful you will be in the meeting with them.

Happy State of the Union!===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IF0ZG6045S001UE3@PMDF.EOP.GOV> for kagan_e@al.eop.gov; Tue, 04 Feb 1997 18:01:15 -0400 (EDT)

Received: from oeri.ed.gov (oeri.ed.gov) by STORM.EOP.GOV (PMDF V5.0-7 #6879) id <01IF0ZG4180A007IO2@STORM.EOP.GOV> for kagan_e@al.eop.gov; Tue, 04 Feb 1997 18:01:13 -0700 (MST)

Received: from smtpgwyl.ed.gov (smtpgwyl.ed.gov [165.224.217.37])

by oeri.ed.gov (8.7.5/8.7.3) with SMTP id SAA26884 for <kagan_e@al.eop.gov>; Tue, 04 Feb 1997 18:02:46 -0500 (EST)

Received: from ccMail by smtpgwyl.ed.gov (IMA Internet Exchange 1.04b)

id 2f7bf910; Tue, 04 Feb 1997 18:00:33 -0500

Content-description: cc:Mail note part

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: JOConnor (JOConnor@dol.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 7-FEB-1997 16:07:00.00

SUBJECT: Comp time decision memo

TO: Ananias Blocker III (Ananias Blocker III@eop [UNKNOWN])
READ:UNKNOWN

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])
READ:UNKNOWN

TO: Jody J. Kaplan (Jody J. Kaplan@eop [UNKNOWN])
READ:UNKNOWN

TEXT:
Date

MEMORANDUM FOR THE PRESIDENT

FROM: JOHN HILLEY & GENE SPERLING

SUBJECT: COMP TIME/ FAMILY MEDICAL LEAVE ACT LEGISLATION

I. BACKGROUND/ANALYSIS

This memorandum offers options for how to achieve the optimal outcome from the current legislative debate on comp time and expansion of the Family and Medical Leave Act (FMLA).

This week and next week, the House and Senate labor committees are holding hearings regarding comp time legislation: the Ballenger bill in the House and the Ashcroft bill in the Senate. Both bills address only comp time and not FMLA expansion, and

they

provide fewer

guarantees of employee choice and fewer protections against potential abuse

than your bill,

which was sent to Congress last September. For example, the Republican bills:

1) Do not exclude vulnerable workers;

2) Do not include special protections for workers whose employers go

bankrupt or shut down unexpectedly;

3) Do not guarantee real choice for employees because they allow

employers to refuse employees+ use of comp time if it would

unduly

disrupt operations. (Your bill, on the other hand, allowed

employees to

take comp time for FMLA purposes at any time, and to take

it

for other

purposes with two weeks notice unless it would cause the

employer

substantial and grievous injury.);

4) Allow employers to cash out employees+ comp time over 80 hours,

thereby denying them the use of comp time;

5) Provide weaker remedies for violations. Your bill has solutions to all of

these problems.

In addition, the Ashcroft bill has additional provisions that would effectively eliminate the 40 hour week by allowing employers to establish 80 hour biweekly schedules and, in certain circumstances, to pay employees straight time, not time and a half, for hours worked over 40 in a week or 80 in two weeks. Sen. Jeffords plans to mark up the Ashcroft bill on February 26, and Rep. Ballenger plans to mark up his bill in early March.

Senator Dodd, Sen. Murray, Rep. Clay, and Rep. Maloney have instead introduced bills to expand the FMLA. The bills introduced by Maloney and Murray would expand FMLA for an additional twenty-four hours for the purposes of routine medical care for children and elderly parents or school related activities, similar to your bill. The bills introduced by Dodd and Clay would lower the threshold of FMLA applicability from 50 employees to 25 employees, which would cover an additional 10 million employees in small businesses.

The FMLA bills have support from women+s groups and the labor movement, both of which are more enthusiastic about dropping the threshold than providing an

additional 24 hours of
leave. The labor movement strongly opposes the Republican comp time
bills,
and finds the
provisions in the Ashcroft bill that eliminate the 40-hour work week to be
particularly
offensive. Most Republicans oppose any expansion of FMLA.

The current legislative strategy among congressional Democratic leaders is
to criticize the
comp time bills and try to add the various FMLA expansions to the
Republican
bills. Your
bill has not been introduced, nor is there any Democratic version of a
comp
time bill. The
labor movement has requested that the Administration threaten to veto any
bill that doesn't 1)
improve the comp time provisions to provide real choice and real
protections
for employees,
and 2) link FMLA and comp time.

II. ACTION-FORCING EVENT

The Vice President will be addressing the AFL-CIO at an annual meeting on
February 18 and
will be forced to address these issues either in remarks or in questions
and
answers. Thus, a

decision must be made now regarding whether to adopt a strategy of insisting on linkage between FMLA and comp time, and whether to issue any veto threats. The options are laid out below. In each case, the Vice President would articulate the Administration position on February 18 at the AFL-CIO meeting.

III. OPTIONS

1. Threaten to veto the bill if your principles are not addressed. The Administration

would lay out a set of principles needed for a bill to be truly family friendly. We

would say that the bill should include FMLA expansion, and that any bill that doesn't

meet certain principles will be vetoed, but we would not link a veto to

FMLA

expansion. These principles are embodied in your bill from last year:

A) Real Choice for Employees, including the right to take comp time when needed for

FMLA purposes, the right to choose to use comp time for any purpose with two weeks

notice to their employer unless use of comp time will cause substantial

and grievous

injury to the employer, the right to cash out comp time for overtime pay on 15 days

notice and employers can't choose to cash out comp time; and

B) Real Protection Against Employer Abuse, including the various protective

provisions in your bill that are not present in the Republican bills, such as exclusions

for vulnerable workers, special protections in case employers go bankrupt or close

down unexpectedly, a prohibition against employers substituting comp time for paid

vacation or sick leave benefits, a prohibition against employers penalizing employees

who choose overtime pay instead of comp time, and strong provisions for

enforcement.

C) Preservation of Basic Worker Rights. The Administration would threaten a veto of

any bill that eliminates the 40 hour work week, as the Ashcroft bill does.

Pros: A. Would strengthen the position of congressional Democrats arguing to improve the

Republican bills. Would encourage congressional Republicans to negotiate in an effort

to produce a bill that would become law.

B. If the strategy resulted in changes to the bills, it would significantly improve upon

bills that presently do not carry gu===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDf V5.0-4 #6879) id <01IF50DDM3XC00WMCG@PMDf.EOP.GOV>; Fri,

07 Feb 1997 15:10:24 -0400 (EDT)
Received: from dol.gov (BUBBA.DOL.GOV) by STORM.EOP.GOV (PMDf V5.0-7 #6879)
id <01IF50D3NKOI007IO2@STORM.EOP.GOV>; Fri, 07 Feb 1997 15:10:19 -0700 (MST)
Received: by dol.gov (5.x/SMI-SVR4) id AA11348; Fri, 07 Feb 1997 15:07:22 -0500

Received: from smtpgw(166.96.2.20) by gatekeeper via smap (V1.3)
id sma011154; Fri Feb 7 15:07:03 1997
Received: by gatekeeper with Microsoft Mail id <32FB45B3@gatekeeper>; Fri,
07 Feb 1997 15:09:39 -0500 (EST)

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

X-FROM: JOHN HILLEY & GENE SPERLING

Xv-SUBJECT: COMP TIME/ FAMILY MEDICAL LEAVE ACT LEGISLATION

XH-I.XxBACKGROUND/ANALYSIS(#

This memorandum offers options for how to achieve the optimal outcome from the current legislative debate on comp time and expansion of the Family and Medical Leave Act (FMLA).

This week and next week, the House and Senate labor committees are holding hearings regarding comp time legislation: the Ballenger bill in the House and the Ashcroft bill in the Senate. Both bills address only comp time and not FMLA expansion, and they provide fewer guarantees of employee choice and fewer protections against potential abuse than your bill, which was sent to Congress last September. For example, the Republican bills:

XK-X` hp x (##'0*,.8135@8:<H?A,Xhp x (##'0*,.8135@8:<H?AXx1)Do not exclude vulnerable workers; (#

X4-Xx2)Do not include special protections for workers whose employers go bankrupt or shut down unexpectedly; (#

X-Xx3)Do not guarantee real choice for employees because they allow employers to refuse employees use of comp time if it would unduly disrupt operations. (Your bill, on the other hand, allowed employees to take comp time for FMLA purposes at any time, and to take it for other purposes with two weeks notice unless it would cause the employer substantial and grievous injury.); (#

X|-Xx4)Allow employers to cash out employees comp time over 80 hours, thereby denying them the use of comp time; (#

XN-Xx5)Provide weaker remedies for violations. Your bill has solutions to all of these problems. (#

In addition, the Ashcroft bill has additional provisions that would effectively eliminate the 40 hour week by allowing employers to establish 80 hour biweekly schedules and, in certain circumstances, to pay employees straight time, not time and a half, for hours worked over 40 in a week or 80 in two weeks. Sen. J

effords plans to mark up the Ashcroft bill on February 26, and Rep. Ballenger plans to mark up his bill in early March.

Senator Dodd, Sen. Murray, Rep. Clay, and Rep. Maloney have instead introduced bills to expand the FMLA. The bills introduced by Maloney and Murray would expand FMLA for an additional twentyfour hours for the purposes of routine medical care for children and elderly parents or school related activities, similar to your bill. The bills introduced by Dodd and Clay would lower the threshold of FMLA applicability from 50 employees to 25 employees, which would cover an additional 10 million employees in small businesses. "(0*0*0*"The FMLA bills have support from womens groups and the labor movement, both of which are more enthusiastic about dropping the threshold than providing an additional 24 hours of leave. The labor movement strongly opposes the Republican comp time bills, and finds the provisions in the Ashcroft bill that eliminate the 40hour work week to be particularly offensive. Most Republicans oppose any expansion of FMLA.

The current legislative strategy among congressional Democratic leaders is to criticize the comp time bills and try to add the various FMLA expansions to the Republican bills. Your bill has not been introduced, nor is there any Democratic version of a comp time bill. The labor movement has requested that the Administration threaten to veto any bill that doesn't 1) improve the comp time provisions to provide real choice and real protections for employees, and 2) link FMLA and comp time.

X-II.XxACTIONFORCING EVENT(#

The Vice President will be addressing the AFLCIO at an annual meeting on February 18 and will be forced to address these issues either in remarks or in questions and answers. Thus, a decision must be made now regarding whether to adopt a strategy of insisting on linkage between FMLA and comp time, and whether to issue any veto threats. The options are laid out below. In each case, the Vice President would articulate the Administration position on February 18 at the AFLCIO meeting.

X-III.XxOPTIONS (#

X-1.Xx□Threaten to veto the bill if your principles are not addressed.□ The Administration would lay out a set of principles needed for a bill to be truly family friendly. We would say that the bill should include FMLA expansion, and that any bill that does not meet certain principles will be vetoed, but we would not link a veto to FMLA expansion. These principles are embodied in your bill from last year: (#
Xx(#

XN-XxA)□ Real Choice for Employees□, including the right to take comp time when needed for FMLA purposes, the right to choose to use comp time for any purpose with two weeks notice to their employer unless use of comp time will cause substantial and grievous injury to the employer, the right to cash out comp time for or overtime pay on 15 days notice and employers cant choose to cash out comp time; and (#

X -XxB) □Real Protection Against Employer Abuse□, including the various protective provisions in your bill that are not present in the Republican bills, such as exclusions for vulnerable workers, special protections in case employers go bankrupt or close down unexpectedly, a prohibition against employers substituting comp time for paid vacation or sick leave benefits, a prohibition against employers penalizing employees who choose overtime pay instead of comp time, and strong provisions for enforcement.(#

X□(-XxC) □Preservation of Basic Worker Rights.□ The Administration would threaten a veto of any bill that eliminates the 40 hour work week, as the Ashcroft bill does.(#"0*0*0*'"

X-Pros:XxA. Would strengthen the position of congressional Democrats arguing to improve the Republican bills. Would encourage congressional Republicans to negotiate in an effort to produce a bill that would become law.(#

XxB. If the strategy resulted in changes to the bills, it would significantly improve upon bills that presently do not carry guarantees of employee choice or adequate protection against employer abuse.(#

XxC. Would be welcomed by constituency groups that view the Republican bills as a weakening of employee protection laws, and would strengthen the leadership position of Democrats on womens issues.(#

XxD. Since this strategy doesn't threaten a veto if the FMLA expansion is not in a final bill, it has the effect of assisting the Democrats who are trying to add FMLA expansion to the bills without locking you in to a veto on that specific issue. (#

X-Con: XxYou might have to veto a comp time bill, although it would be one that would fall far short of the family friendly principles you have laid out. (#

XK-2. XxThreaten to veto a bill if your principles are not addressed AND FMLA expansion is not included. This strategy is the same as #1 above except that a fourth veto principle would be the expansion of FMLA. The rationale is that FMLA and comp time are linked family friendly policies. Since comp time is not mandatory, the only guarantee that covered workers will have any additional leave is through FMLA expansion amendments. FMLA is one of your signature programs and this is one way to ensure its passage in a Republican Congress. (#

X-Pros: XxSame as A, B & C above. In addition, the AFLCIO has requested this particular strategy and veto threat. Sen. Kennedy also prefers this strategy and veto threat. (#

XN-Cons: XxA. Sen. Daschle is skeptical that his colleagues will support a strategy that insists on FMLA expansion as the price for any comp time bill, however strong. It is difficult to defend the logic of refusing to accept one positive change in the law merely because a second positive change has not also been made. (#

XxB. If the strategy fails to produce a bill that includes FMLA expansion, you might have to veto a very strong comp time bill just because it doesn't include FMLA expansion. (#

X#-3. XxIntroduce principles for a family friendly bill. We would lay out the principles listed in #1 above and would insist that they are all vital to a family friendly bill, but would not explicitly threaten a veto. (#

X#'-Pros: XxA. Would lay out principles for a bill without locking you in to a veto. (#

XxB. Would leave open the option of vetoing a weak comp time bill or a bill that fails" (0*0*0*' "to expand FMLA. (#

X-Cons: XxNot likely to produce changes to the Republican bills, thus could make it more likely that you face signing a bill that doesnt include sufficient employee choice and protections. Signing such a bill would have the dual results of significantly altering the Fair Labor Standards Act without sufficient safeguards and also seriously angering the labor movement and disappointing womens groups. (#

XH-IV. XxDECISION: (#

X

-Option 1 ___ Option 2 ___ hOption 3 ___ Lets Discuss ___ ===== END ATTA

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Nicole R. Rabner (Nicole R. Rabner@EOP@LNGTWY@LNGTWY [UNKNOWN])

CREATION DATE/TIME:10-FEB-1997 13:35:00.00

SUBJECT: interagency meeting

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

Message Creation Date was at 10-FEB-1997 12:35:00

Thanks for your message about the interagency meeting -- how does 4pm on
February 17th or 18th sound to you for the meeting? I'll get the memos
faxed
out today.

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Nicole R. Rabner (Nicole R. Rabner@EOP@LNGTWY@LNGTWY [UNKNOWN])

CREATION DATE/TIME:10-FEB-1997 13:59:00.00

SUBJECT: Re: interagency meeting

TO: Elena Kagan (Elena Kagan@EOP [UNKNOWN])

READ:UNKNOWN

TEXT:

Message Creation Date was at 10-FEB-1997 12:59:00

2pm is fine for the interagency meeting -- I'll set it for 2pm on Tuesday,
2/18.

Also, we're setting up a meeting on the elusive HHS adoption report for
tomorrow -- internal WH meeting at 5:00pm (rm 100), with HHS folks joining
us

at 5:30pm, so that we can give them united WH comment. I'll have Olivia
fax

the report to me when it's ready today and have copies walked around to
the

usual suspects.

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Carol_Rasco (Carol_Rasco@ed.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:21-FEB-1997 07:49:00.00

SUBJECT: Newsweek and commitments to America Reads

TO: Bruce N. Reed (Bruce N. Reed@EOP [UNKNOWN])
READ:UNKNOWN

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])
READ:UNKNOWN

TO: Pauline M. Abernathy (Pauline M. Abernathy@eop [UNKNOWN])
READ:UNKNOWN

TEXT:

Pauline told me of your inquiry about Newsweek printing the

Scholastic

figure. As I shared with her, the commitments being made to the Summit are not on the whole being shared with us nor any agency as best I can tell. I am working hard to have a smooth working

operation

with the Corporation on America Reads and feel success is in place on that front. However, the Summit is not something we work on daily together. I have suggested periodically with them we need to be kept abreast of what is happening with the Summit and quite frankly I get the impression at times that those at the Corporation itself aren't always aware of what commitments are being received. If you have ideas about what I should do differently let me know. I think it is

a

bigger system problem than just America Reads being somewhat in the dark as I have heard other departments/agencies saying they are getting calls from folks with whom they work saying they are confused about the relationship of the Summit to ongoing relationships with

various agencies and departments with which they work.===== ATTA

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

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IFO55CRXTS00RYN6@PMDF.EOP.GOV>; Fri,

21 Feb 1997 07:52:32 -0500 (EST)

Received: from oeri.ed.gov (oeri.ed.gov) by STORM.EOP.GOV (PMDF V5.0-7 #6879)
id <01IFO55AV7RA000045@STORM.EOP.GOV>; Fri, 21 Feb 1997 07:52:30 -0700 (MST)

Received: from smtpgwyl.ed.gov (smtpgwyl.ed.gov [165.224.217.37])

by oeri.ed.gov (8.7.5/8.7.3) with SMTP id HAA29617; Fri,

21 Feb 1997 07:54:27 -0500 (EST)

Received: from ccMail by smtpgwyl.ed.gov (IMA Internet Exchange 1.04b)
id 30d99fb0; Fri, 21 Feb 1997 07:50:03 -0500

Content-description: cc:Mail note part

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Stuart M. Schear (Stuart M. Schear@EOP@LNGTWY@LNGTWY [UNKNOWN])

CREATION DATE/TIME:28-FEB-1997 10:04:00.00

SUBJECT: STUART SCHEAR VIA PAGER

TO: Bruce N. Reed (Bruce N. Reed@EOP [UNKNOWN])
READ:UNKNOWN

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

TO: Christopher C. Jennings (Christopher C. Jennings@eop [UNKNOWN])
READ:UNKNOWN

TO: Dennis Burke (Dennis Burke@eop [UNKNOWN])
READ:UNKNOWN

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])
READ:UNKNOWN

TO: Jason S. Goldberg (Jason S. Goldberg@EOP [UNKNOWN])
READ:UNKNOWN

TO: Melissa Green (Melissa Green@eop [UNKNOWN])
READ:UNKNOWN

TEXT:
Message Creation Date was at 28-FEB-1997 10:04:00

Colleagues:

My WHCA pager is out of commission. Until further notice, please page me
via
skypager through signal.

Thank you very much,

Stuart Schear

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Carol_Rasco (Carol_Rasco@ed.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME: 5-MAR-1997 23:03:00.00

SUBJECT: Conference on Early Learning

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])
READ:UNKNOWN

TO: Nicole R. Rabner (Nicole R. Rabner@eop [UNKNOWN])
READ:UNKNOWN

TEXT:

I have seen today a fax that Deborah Stark (Cong. Pete Stark's wife) sent you on Feb. 25 where she is saying she would like to help with the Conference. She was a terrific, absolutely terrific person with whom to work when she was in HHS. I don't make sure statements lightly. If you all need someone to help really get things in top notch shape for the conference you should consider her.

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

TEXT:

RFC-822-headers:

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IG6I5432M800TWLX@PMDF.EOP.GOV>; Thu,

06 Mar 1997 11:18:27 -0500 (EST)

Received: from oeri.ed.gov (oeri.ed.gov) by STORM.EOP.GOV (PMDF V5.0-7 #6879)
id <01IG6I44049M000045@STORM.EOP.GOV>; Thu, 06 Mar 1997 11:18:24 -0700 (MST)

Received: from smtpgwyl.ed.gov (smtpgwyl.ed.gov [165.224.217.37])
by oeri.ed.gov (8.7.5/8.7.3) with SMTP id LAA01825; Thu,

06 Mar 1997 11:19:14 -0500 (EST)

Received: from ccMail by smtpgwyl.ed.gov (IMA Internet Exchange 1.04b)
id 31e355f0; Wed, 05 Mar 1997 22:09:19 -0500

Content-description: cc:Mail note part

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: DChang (DChang@hcfa.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:12-MAR-1997 11:04:00:00

SUBJECT: CASA Act -Reply

TO: Christopher C. Jennings (Christopher C. Jennings@eop [UNKNOWN])
READ:UNKNOWN

TO: Diana Fortuna (Diana Fortuna@eop [UNKNOWN])
READ:UNKNOWN

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])
READ:UNKNOWN

TO: jeanne lambrew (Jeanne Lambrew@eop [UNKNOWN])
READ:UNKNOWN

TO: William H. White Jr. (William H. White Jr.@EOP [UNKNOWN])
READ:UNKNOWN

TEXT:
Diana -- I think we have something. I'll have don send you message or fax,
also, we are doing some internally thinking.

Debbie

>>> <FORTUNA_D@a1.eop.gov> 03/11/97 08:22pm >>>

As you know, we have this outstanding meeting with ADAPT and
other

disability groups on home and community-based services and other
disability issues. ADAPT is certain to want to talk about the
CASA bill, and so we need HCFA's analysis of it.

I'm not sure that the bill as introduced (by Gunderson, I think?)
is as extreme as earlier summaries I had seen. We would be
particularly interested in cost implications. Could you get us
something in the next week?===== ATTACHMENT 1 =====

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01IGEVHPSHHC01412G@PMDF.EOP.GOV>; Wed, 12 Mar 1997 11:07:34 -0500 (EST)
Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IGEVHNFACW00U7OG@PMDF.EOP.GOV>; Wed,

12 Mar 1997 11:07:31 -0500 (EST)

Received: from hcfa.gov (gate.hcfa.gov) by STORM.EOP.GOV (PMDF V5.0-7 #6879)
id <01IGEVHIZOSU006PCB@STORM.EOP.GOV>; Wed, 12 Mar 1997 11:07:28 -0500 (EST)
Received: from HCFA-Message_Server by hcfa.gov with Novell_GroupWise; Wed,
12 Mar 1997 11:06:05 -0500.

X-Mailer: Novell GroupWise 4.1

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

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: MANNING.COURTNEY (MANNING.COURTNEY@EPAMAIL.EPA.GOV@INET@LNGTWY [UNKNOWN]

CREATION DATE/TIME:14-MAR-1997 19:20:00.00

SUBJECT: EPA Preview of New Policies Targeted to Children in their Earli

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])
READ:UNKNOWN

TO: Nicole R. Rabner (Nicole R. Rabner@eop [UNKNOWN])
READ:UNKNOWN

TO: Pauline M. Abernathy (Pauline M. Abernathy@eop [UNKNOWN])
READ:UNKNOWN

TEXT:
March 14, 1997

(I also faxed this information to each of you)

MEMORANDUM FOR ELENA KAGAN

FROM: Gary S. Guzy

SUBJECT: EPA POLICIES TARGETED TO CHILDREN IN THEIR EARLIEST YEARS

Below is a preview of new plans and proposals EPA is exploring in response to the President*s February 24 Memorandum:

THE ISSUE:

Children today need significant and unique protection from a wide range of environmental hazards. A series of diseases, known or suspected to be of environmental origin, are increasing in children:

* Asthma: Rates are increasing sharply, and asthma has become the leading cause of admission of young children to the hospital.

- * Cancer: Incident rates of leukemia and brain cancer, the two most common types of cancer, have been increasing steadily for two decades.
- * Birth defects: The incidence of certain birth defects has doubled over the past fifteen years.
- * Lead poisoning: Despite significant advances, lead poisoning still affects thousands children.

THE RESPONSES:

1. Executive Order to Protect Children From Environmental Health Threats

EPA has been working with White House offices and other agencies to craft an Executive Order on Children*s Environmental Health and Safety, which would recognize and address the oftentimes greater impact that environmental pollutants have upon the health of children, by committing the government to set health and safety standards tailored to protecting children wherever possible, and by coordinating areas where additional research is necessary. To oversee the implementation of these requirements, the Executive Order would establish the Children*s Environmental Health Working Group, composed of representatives of each federal department or agency that bears responsibility for the regulation of activities or substances that may affect children*s health or that conducts research on issues related to children*s health and environmental risk.

2. Principles for Family Right-to-know Legislation Providing Consumer Information Labels

EPA has proposed that the Clinton Administration challenge Congress to pass legislation that would provide enhanced labeling information to assist families in making informed choices about consumer products exposing children to toxic chemicals. We have been working with White House offices and other agencies to develop these principles. The basic approach would require manufacturers of consumer products to provide information labels on those products that are reasonably expected to have a unique and potentially detrimental effect upon infants and children due to their toxic constituents.

3. Protecting Urban Children from Health Threats, such as Lead Poisoning and Consumption of Contaminated Fish

Children living in urban areas are exposed to urban pollution due to factors such as the high concentrations of industrial activity. For example:

* Lead poisoning remains widespread at low levels among American children, affecting as many as 1.7 million children age five and under. Pregnant women poisoned by lead can pass that on to a developing fetus.

* Contaminated Fish and Polluted Waters: Polluted waters not only affect children when they swim in our lakes and streams, but also when they eat fish. Children whose mothers are exposed to cancer-causing PCBs (polychlorinated biphenyls) when pregnant may develop learning disabilities and experience delayed development, and chemicals such as PCBs also tend to accumulate in breast milk.

Building on the President's February 24 Memorandum and his Kalamazoo commitment to provide improved information for families on toxics, EPA will pursue a number of administrative steps to ensure that parents living in urban areas are armed with the information they need in order to take action to solve local environmental problems that affect the health and safety of their infants and small children.

4. Protecting Children from Carcinogens, Neurotoxins and Reproductive Toxins

Children are more heavily exposed to these three classes of toxics than are adults and they are especially vulnerable to them. To protect children against cancer, birth defects, developmental delays, neurotoxicity, and reproductive impairment caused by environmental chemicals, EPA proposes an expanded program of toxic tests that takes into account the special vulnerabilities of young children. Also, EPA is enhancing the already ongoing research to characterize the toxic effects of environmental chemicals on children's early development.

5. Protecting Children from Secondhand Smoke

Infants and young children whose parents smoke are among the most seriously affected by exposure to environmental tobacco smoke, or secondhand smoke, which is a carcinogen and presents significant health risks to children. Children are at increased risk of lower respiratory tract infections such as pneumonia and bronchitis. EPA estimated in a 1992 risk assessment report that

secondhand smoke exposure is responsible for between 150,000 and 300,000 lower respiratory tract infections in infants and children under 18 months of age annually, resulting in between 7,500 and 15,000 hospitalizations each year.

EPA proposes to collaborate with other federal agencies and departments to educate and encourage parents to reduce their children's exposure to secondhand smoke. EPA is also planning to develop a media campaign on secondhand smoke and children in cooperation with a nationally recognized citizen group.

cc: Dr. Philip Landrigan, EPA Office of Children's Health Protection=====

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01IGI2TC3CTS0092KL@PMDF.EOP.GOV>; Fri, 14 Mar 1997 18:09:22 -0500 (EST)
Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IGI2T9WUTS00S2FJ@PMDF.EOP.GOV>; Fri,

14 Mar 1997 18:09:18 -0500 (EST)

Received: from RT-MAIL2.RTPTOK.EPA.GOV by STORM.EOP.GOV (PMDF V5.0-7 #6879)
id <01IGI2T4UXTY007K9X@STORM.EOP.GOV>; Fri, 14 Mar 1997 18:09:13 -0500 (EST)

Received: from RTPMAINHUB-Message_Server by RT-MAIL2.RTPTOK.EPA.GOV with
Novell_GroupWise; Fri, 14 Mar 1997 18:08:58 -0500

X-Mailer: Novell GroupWise 4.1

Content-disposition: inline

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

RECORD TYPE: PRESIDENTIAL (TRP NOTES MAIL)

CREATOR: Ron Klain (CN=Ron Klain/O=OVP [OVP])

CREATION DATE/TIME:17-MAR-1997 12:43:17.00

SUBJECT: Liquor Letter

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

READ:UNKNOWN

TEXT:

VP thinks we should go ahead, although he personally would rather include beer, he is willing to go forward with just hard rather than do nothing.

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: jsmartt (jsmartt@OSASPE.DHHS.GOV@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:18-MAR-1997 12:30:00.00

SUBJECT: stuff

TO: Elena Kagan (Elena Kagan@eop [UNKNOWN])

READ:UNKNOWN

TO: Nicole R. Rabner (Nicole R. Rabner@eop [UNKNOWN])

READ:UNKNOWN

TO: Pauline M. Abernathy (Pauline M. Abernathy@eop [UNKNOWN])

READ:UNKNOWN

TEXT:

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01IGNA3EEZQ00W76O@PMDF.EOP.GOV>; Tue, 18 Mar 1997 11:31:28 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)

by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IGNA3AYY20004P59@PMDF.EOP.GOV>; Tue,
18 Mar 1997 11:31:23 -0500 (EST)

Received: from hhs-custos.dhhs.gov by STORM.EOP.GOV (PMDF V5.0-7 #6879)
id <01IGNA35I7R2007QLE@STORM.EOP.GOV>; Tue, 18 Mar 1997 11:31:19 -0500 (EST)

Received: from OSASPE.DHHS.GOV by hhs-custos.dhhs.gov with SMTP
(SMI-8.6/2.9-eef) id LAA05590; Tue, 18 Mar 1997 11:29:39 -0500

Received: from aspwise-Message_Server by OSASPE.DHHS.GOV with
Novell_GroupWise; Tue, 18 Mar 1997 11:31:07 -0500

X-Mailer: Novell GroupWise 4.1

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

===== ATTACHMENT 2 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Just wanted to give you a quick update on things and get your thoughts.
(Please let me know if you received this even if you don't have any
thoughts right now)

Synthesis Document

Rima Shore - who is also the writer for the Families and Work Institute
Report , "Rethinking the Brain" - will let me know on Thursday if this is
something that she can complete no later than three weeks after the
conference. And will let Naomi Karp, Dept. of Ed, know how much this
may cost.

I talked with Rima about the brief outline that I put together and she
seemed to feel the bases were covered but to keep in mind that the final
document with illustrations etc. would probably be @30 pages.

Please let me know if this is how you would like to proceed. If so, on
Thursday when I speak with her I would like to set up some time for her
to speak with you all and folks from the Communications team to make

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	jsmartt to Elena Kagan et al. re: stuff [partial] (1 page)	03/18/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Tape Restoration Project [Email]
Default ({Kagan})
OA/Box Number: 1100000

FOLDER TITLE:

[11/20/1996 - 03/26/1997]

2009-1006-F
ds288

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]

sure we are all on the same page.

If not and you would prefer to take some other route please let me know before Thursday.

The Web Page

I talked with Lori Anderson. I am going to get to her (which I will forward to all of you) an outline of what the web page may look like.

I can be reached at P6(b)(6). Take Care - Jeanine
===== END ATTACHMENT 2 =====

[004]

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Paul J. Weinstein Jr. (Paul J. Weinstein Jr.@EOP@LNGETWY@LNGETWY [UNKNOWN])

CREATION DATE/TIME:21-MAR-1997 11:47:00.00

SUBJECT: DPC Staff Meetings

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

TO: Christa Robinson (Christa Robinson@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Christopher C. Jennings (Christopher C. Jennings@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Cynthia A. Rice (Cynthia A. Rice@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Dennis K. Burke (Dennis K. Burke@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Diana Fortuna (Diana Fortuna@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Diane C. Regas (Diane C. Regas@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Elena Kagan (Elena Kagan@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Elizabeth Drye (Elizabeth Drye@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Eric P. Goosby (Eric P. Goosby@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Jeanne Lambrew (Jeanne Lambrew@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

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

TO: Lyn A. Hogan (Lyn A. Hogan@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Michael Cohen (Michael Cohen@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Nicole R. Rabner (Nicole R. Rabner@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Pauline M. Abernathy (Pauline M. Abernathy@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Sarah A. Bianchi (Sarah A. Bianchi@EOP@LNGETWY@LNGETWY [UNKNOWN])
READ:UNKNOWN

TO: Stephen C. Warnath (Stephen C. Warnath@EOP@LNGETWY@LNGETWY [UNKNOWN])

READ:UNKNOWN

TO: William R. Kincaid (William R. Kincaid@EOP@LNGTWY@LNGTWY [UNKNOWN])
READ:UNKNOWN

CC: Bruce N. Reed (Bruce N. Reed@EOP@LNGTWY@LNGTWY [UNKNOWN])
READ:UNKNOWN

CC: Elena Kagan (Elena Kagan@EOP@LNGTWY@LNGTWY [UNKNOWN])
READ:UNKNOWN

CC: Laura Emmett (Laura Emmett@EOP@LNGTWY@LNGTWY [UNKNOWN])
READ:UNKNOWN

TEXT:
Message Creation Date was at 21-MAR-1997 10:47:00

Starting next week, DPC staff meetings will be held Tuesday and Thursday
at
9:00 am.

Please make certain that you do not schedule any other meetings during
those
times. Bruce wants everyone to attend our staff meetings and to be on
time
(yes myself included). We believe switching to Tuesday and Thursday
should
insure that everyone will attend.

The meetings will still be held in room 211.

RECORD TYPE: FEDERAL (TRP NOTES MAIL)

CREATOR: Michele_Cavataio (Michele_Cavataio@ed.gov@INET@LNGTWY [UNKNOWN])

CREATION DATE/TIME:26-MAR-1997 17:02:00.00

SUBJECT: Mtg follow up

TO: Dennis Burke (Dennis_Burke@eop [UNKNOWN])
READ:UNKNOWN

TO: Elena Kagan (Elena_Kagan@eop [UNKNOWN])
READ:UNKNOWN

TO: Michael Cohen (Michael_Cohen@EOP [UNKNOWN])
READ:UNKNOWN

TO: William R. Kincaid (William_R_Kincaid@eop [UNKNOWN])
READ:UNKNOWN

TEXT:

Folks:

I wanted to follow up with some information from today's meeting.

Below is the text that we are proposing to insert in appropriation's language. You'll note the last sentence says that the programs need to be consistent with the principles published in the federal

register

by the Secretary. This means that we do have some flexibility for their content, although we are expected to get significant outside input via the federal register. Our counsel's office is still assessing whether we would have to go back to the federal register if we wanted to make a change down the road. At this point, they

believe

that we would have to go through some formal rule-making procedures.

I am going to talk to Deputy Secretary Smith about whether he thinks we should pursue a stronger enforcement approach to the principles.

He conceived of them initially, and I am not sure that this was what he had in mind, but we can look at some options.

I am also attaching the document I passed out which was missing a

page. It lays out several strategies for responding to the RTI study.

Please let me know if your computers can read it (it's in MS WORD.)

Thanks for your time this morning. We look forward to discussing these items further with you. (Bill/Dennis- I am not sure I have the right email address for Mike or Elena. Could you make sure they receive this note?)

Thanks,

Michele

SCHOOL IMPROVEMENT PROGRAMS

Appropriation's Language

For carrying out school improvement activities authorized by titles II, IV [A-1], V-A and B, [VI], IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; [\$1,425,631,000] \$1,299,222,000, of which [\$1,202,478,000] \$977,000,000 shall become available on July 1, [1997] 1998, and remain available through September 30, [1998] 1999: Provided, That of the amount appropriated, [\$310,000,000] \$360,000,000 shall be for Eisenhower professional development State grants under title II-B of the Elementary and Secondary Education Act; \$100,000,000 shall be for charter schools under title X, part C of such Act; and [\$310,000,000 shall be for

RESPONSE TO ISSUES RAISED ON DRUG PROGRAM EFFECTIVENESS

The RTI study of drug prevention programs identified several problem areas in program implementation (as well as some positive areas.) The issues in this paper are intended to address the RTI study as well as information from the recent meeting with prevention researchers.

ED has at least four overarching objectives which could form the basis for our message on drug and violence prevention:

1. Schools need to use research-based approaches that have demonstrated effectiveness and eliminate or modify what doesn't work.
2. Schools need to set measureable goals and objectives to change behavior.
3. Schools, communities and families need to reinforce each other with zero tolerance messages and with messages of hope.
4. ED needs to do a better job of sharing information about what works.

In response to the study and conversations with researchers, the Department has identified seven areas for improvement:

1. Increase use of research-based prevention approaches

A. Improve effectiveness of prevention programming

- FY98 appropriations language puts in place "principles of prevention" that will help strengthen the ability of ED to encourage the use of research-based approaches. ED will put the principles into the federal register for comments.
- The Safe and Drug Free Schools (SDFS) program will spend \$2 million to replicate programs that have demonstrated success in smaller, controlled settings.
- The SDFS program plans to implement a 5-year, \$15 million, demonstration project to identify broad-based strategies that work. A team has been put together to examine options for the design of this program. This program might take the form of a challenge grant.

B. The RTI study and other studies have stated that approaches to prevention other than curricular approaches can have positive impacts. The Department should consider approaches which will contribute to the improvement of the overall school climate. For example,

- Increase recognition opportunities by reinstating Safe and Drug Free schools recognition program
- Focus on initiatives such as peer mediation, mentoring, student courts, class size, after school programs
- Promote student compacts to stay drug free

2. Improve knowledge about what works among various customers

Planned activities:

SEAs

- Meet in next 6 months with all SEA drug prevention coordinators and LEA coordinators from large districts to disseminate information and bring researchers together with practitioners

Teachers

- Prepare three issues of Challenge Newsletter to teachers on effective programs (put this information into common media used by teachers)

General public

- Put into federal register information about promising practices?
- Create website with information about what works
- Disseminate publication on what works and doesn't work
- hold teleconference to promote effective programs

LEAs -- the Department does not do a good job in communicating with them

- Develop listserv to share information and create dialogue among drug coordinators at local level

For consideration:

- ED could establish an independent research organization or board responsible for determining what programs have demonstrated effectiveness OR ED could rely on research from peer reviewed journals.
- The comprehensive assistance centers (CACs) do not provide assistance in the area of drug and violence prevention. The SDFS program hopes to continue funding for the National School Safety Center, but this center tends to have a crisis intervention approach rather than a strategic technical assistance approach because of its limited resources. ED will consider having some of the CACs specialize in the area of drug and violence prevention (in addition to their "comprehensive" duties.)

3. Improve consistency and effectiveness in the delivery of programs

- Teachers often face competing priorities and drug and violence prevention often lose air time to more academic work. And when teachers do implement drug prevention programs, they often do not implement a program the way it was designed. In addition, they are often inexperienced with the kind of interactive teaching that works best for prevention programs. In response, ED is currently assessing the state of teacher training programs and exploring options for who, in addition to teachers, might successfully deliver prevention programs (outside folks, in-school health specialist, etc). The SDFS program has set aside \$2 million to respond to the information gathered, possibly through a grant program.

4. Consider targeting at district level

- 97 percent of schools receive some funds from the SDFS program which means as little as \$6-8 per child. States are already required to target extra 30 percent of funds to 10 percent of districts. But districts have no targeting requirements. Typically, districts spend a significant portion of money on a full or part time drug coordinator. The SDFS program will use some of its FY97 national programs money to examine

the question of whether we should target at the district level. The results will be used to inform reauthorization.

5. Increase the amount of planning and evaluation by schools

- Schools and/or districts are not doing a good job of using data to improve practice, and in some cases they don't do a good job of collecting the data. The SDFS program is planning a \$5 million demonstration program to help SEAs and LEAs collect and analyze information on drug use and violence in schools and use that information to improve practices.
- The SEA/LEA conference hosted by the SDFS program is also designed to address this issue. It will have three components: 1) model needs assessment, 2) programs that have demonstrated success, 3) how to do evaluation.

6. Change attitudes of acceptance of drugs by youth and parents

- Media campaign by Administration (ONDCP is leading this effort); ED will work to ensure our participation early on so that we can amplify the message in schools.
- Parents guide "How to Raise Drug-free Kids" will be distributed to over 18 million people and advertised on ABC in March.

7. Improve research base

- Several research organizations (NIDA, NIAAA, OJJDP, NAS, NIJ) are doing research related to drug and violence prevention. ED will meet with these groups to discuss a longer term research agenda. OERI and NCES will be brought into discussions to see how they can support research needs.

8. Help improve effectiveness of DARE program

- Federal agencies who fund DARE are meeting to discuss how they can work together to make DARE a more effective program.