

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 001 - FOLDER 005

[2/5/1997 - 2/14/1997]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 17:23:25.00

SUBJECT: speech

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

READ:UNKNOWN

TEXT:

I meant what I said today (and what I told Liz last night): It was grand,
and you should feel really proud.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 13:53:26.00

SUBJECT: Re: q&a for First Lady

TO: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Ah, that meeting: I thought you meant our staff meeting this morning.
Yes, this is something we're going to have to talk about more --
especially given the enthusiam among some people around here for flex
programs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 13:35:37.00

SUBJECT: Re: q&a for First Lady

TO: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

DOJ and I closed out this matter for purposes of the First Lady's event, and I don't think we should reopen it. A more definitive legal opinion right now will make things harder, not easier, for the First Lady tomorrow.

I'm afraid I must have missed something at today's meeting. "Flexible fund"??

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 09:46:44.00

SUBJECT: Re: Franklin Urteaga

TO: Dorothy K. Craft (CN=Dorothy K. Craft/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:
Let's say 10:30

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 13:39:26.00

SUBJECT: 0-3

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

TO: Jeanine D. Smartt (CN=Jeanine D. Smartt/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

If there's anything that would be useful for me to have before our meeting tomorrow please let me know (or just give it to me). If not, that's fine too.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 15:21:48.00

SUBJECT: Re: President's Talk at the Ptayer Breakfast

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

READ:UNKNOWN

TEXT:

You sent Terry the new q&a on constitutionality, as well as the old?

Question: If a church or other religious organization hires a new welfare recipient, can the religious organization receive whatever subsidy is given to any other private employer?

Answer: There are obviously tricky constitutional questions whenever a program involves governmental expenditures to religious organizations. But the goal of this Administration is to involve as many employers as possible in the effort to move people from welfare to work. And that means including as many employers as possible in any program to encourage employers to hire welfare recipients.

Background: The law in this area is uncertain. Much may depend on (1) whether the religious organization is “pervasively sectarian” under Supreme Court law (i.e., a church, rather than an organization affiliated with a church) and/or (2) whether the employee is being hired for religious purposes. We should be supportive of including religious organizations generally in employer subsidy programs, without committing ourselves to defending each and every payment that could be made to each and every religious organization under such a program.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 12:58:28.00

SUBJECT: Re: Family Executive Order

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

READ:UNKNOWN

TEXT:

yes, let's

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 13:28:22.00

SUBJECT: 0-3

TO: Jeanine D. Smartt (CN=Jeanine D. Smartt/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: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Can we all meet tomorrow at 4:30 in my office? Any later time would also be fine with me. thanks.

Question: If a church or other religious organization hires a new welfare recipient, can the religious organization receive whatever subsidy is given to any other private employer?

Answer: There are obviously tricky constitutional questions whenever a program involves governmental expenditures to religious organizations. But the goal of this Administration is to involve as many employers as possible in the effort to move people from welfare to work. And that means including as many employers as possible -- including religious organizations -- in any program to encourage employers to hire welfare recipients.

Background: The law in this area is uncertain. Much may depend on (1) whether the religious organization is "pervasively sectarian" under Supreme Court law (i.e., a church, rather than an organization affiliated with a church) and/or (2) whether the employee is being hired for religious purposes. We should be supportive of including religious organizations generally in employer subsidy programs, without committing ourselves to defending each and every payment that could be made to each and every religious organization under such a program.

Question: If a church or other religious organization hires a new welfare recipient, can the religious organization receive whatever subsidy is given to any other private employer?

Answer: There are obviously tricky constitutional questions whenever a program involves governmental expenditures to religious organizations. But the goal of this Administration is to involve as many employers as possible in the effort to move people from welfare to work. And that means including as many employers as possible -- including religious organizations -- in any program to encourage employers to hire welfare recipients.

Background: The law in this area is uncertain. Much may depend on (1) whether the religious organization is "pervasively sectarian" under Supreme Court law (i.e., a church, rather than an organization affiliated with a church) and/or (2) whether the employee is being hired for religious purposes. We should be supportive of including religious organizations generally in employer subsidy programs, without committing ourselves to defending each and every payment that could be made to each and every religious organization under such a program.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1997 09:29:49.00

SUBJECT: business roundtable

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

TO: Rahm I. Emanuel (CN=Rahm I. Emanuel/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TEXT:

Sylvia was right: the Business Roundtable is coming out with a statement today endorsing our standards and testing proposals. Apparently, the Roundtable has never taken positions on higher ed issues.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 15:22:55.00

SUBJECT: short term scheduling meeting

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/05/97 03:22 PM -----

Leanne A. Shimabukuro
02/05/97 03:17:32 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: short term scheduling meeting

I put copies of the materials from the meeting on your chair. There was no mention of the lawyers welfare-to-work or 0-3 event in April.

One thing to note: Services for Pamela Harriman may be next week on the 13th-- the day we originally scheduled to unveil the National Drug Control Strategy. A possible scenario is that the radio address for Feb. 16th on child safety seats could be switched to a radio address on the drug control strategy. I've passed this info along to Dennis.

ADDITIONAL TALKING POINTS ON CHILDREN'S SSI

- The Administration's position on this issue reflects the best understanding of Congressional intent.
- It is a bipartisan, middle ground position. It is not the position that disability advocates have urged on the Administration. But it is less harsh than a prior understanding of the law, under which 55,000 additional children would have been cut off.
- This interpretation ensures that severely disabled children and their families are protected under the new law, while tightening standards for the program in accord with congressional intent.
- In addition, the President is proposing legislation as part of his budget to allow all children who lose benefits as a result of this change to retain Medicaid. For many families on SSI, the most valuable part of their benefit is not the monthly cash payment, but Medicaid coverage.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1997 12:54:26.00

SUBJECT: 7:30 meeting

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

READ:UNKNOWN

TEXT:

I forgot to tell you that also at the 7:30 meeting, in a two-second exchange, Doug Sosnik asked John Podesta whether he was talking with the NEA and John answered that he was. What's that all about?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1997 19:26:09.00

SUBJECT: Re: Eli Segal

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

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

TEXT:

How is it there's a legal problem with speaking to them, but not with doing all this other stuff to support Eli? Can we get the counsel's office to opine on what we're doing?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1997 13:45:56.00

SUBJECT: Re: The \$3.3 billion WTW Plan

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

TEXT:

Yo Bruce -- by not cc'ing me, you're just making your staff do extra work. (But they do seem to be getting pretty well trained.)

----- Forwarded by Elena Kagan/OPD/EOP on 02/06/97 01:43 PM -----

Lyn A. Hogan
02/06/97 01:37:01 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Re: The \$3.3 billion WTW Plan

----- Forwarded by Lyn A. Hogan/OPD/EOP on 02/06/97 01:34 PM -----

Bruce N. Reed
02/06/97 01:00:51 PM
Record Type: Record

To: Lyn A. Hogan/OPD/EOP
cc:
Subject: Re: The \$3.3 billion WTW Plan

I don't mind attacks from Bob and Wendell; that will help. I need to sit down with Ken and Gene soon. But I'm adamant that we not send up a bill. We should look at the blue dog bill and see if we can live with it. They're giving mayors 20% of the money.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1997 19:19:12.00

SUBJECT: Re: Toledo jeep

TO: Kevin M. O'Keefe (CN=Kevin M. O'Keefe/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

If it's NEC they want, then you want Kathy Wallman. I know it's hard to keep track of all these relocating lawyers!!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1997 19:22:26.00

SUBJECT: Re: BR Schedule--Does the 9:30 time work for the call?

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

READ:UNKNOWN

TEXT:

yes, thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1997 19:21:02.00

SUBJECT: Re: Move

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

TEXT:

Let's say Monday. What do you mean "dry"?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1997 12:15:02.00

SUBJECT: Re: Ed Strategy Meeting

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

READ:UNKNOWN

TEXT:

looks fine

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-FEB-1997 10:53:05.00

SUBJECT: Re: welf privatiztn and min. wage issues meeting

TO: Dorothy K. Craft (CN=Dorothy K. Craft/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

5:30 is fine. Can you also make sure that Wendy White from the counsel's office is invited?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-FEB-1997 10:54:27.00

SUBJECT: Re: Working Group meeting

TO: Jeanine D. Smartt (CN=Jeanine D. Smartt/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

I'm clear all day Thursday. I don't think we need a drop-by.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-FEB-1997 11:47:23.00

SUBJECT: Re: dpc mtg next week

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

TEXT:

You bet. Anything in particular you want in the weekly report?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-FEB-1997 12:22:17.00

SUBJECT: attached

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

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

TEXT:
I'm attaching a draft invitation to our next dpc meeting.

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D22]MAIL48654473Y.016 to ASCII,
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February 7, 1997

MEMORANDUM FOR THE DOMESTIC POLICY COUNCIL

FROM: BRUCE REED
SUBJECT: FEBRUARY MEETING

There will be a meeting of the Domestic Policy Council on Thursday, February 13 from 2:00 to 3:00 p.m. in the Roosevelt Room.

As you recall, at the last cabinet meeting, Erskine asked each Secretary to review second-term priorities in light of the President's State of the Union address. He has asked the various Policy Councils to meet with their member agencies in order to discuss these priorities. I hope to use this discussion to seek your help on a number of concrete projects, including promoting the President's 10-point education plan, creating work opportunities for welfare recipients, and providing assistance to the D.C. government. I also will give you an update and seek further advice on the 0-3 conference we talked about at our last meeting.

Please have your staff provide any necessary clearance information to Cathy Mays (456-6515). If you have any questions about the meeting, please contact me (456-6515) or my Deputy, Elena Kagan (456-5584).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-FEB-1997 14:12:51.00

SUBJECT: Re: HHS adoption report

TO: Lyn A. Hogan (CN=Lyn A. Hogan/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: Pauline M. Abernathy (CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:
I'll do this right now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-FEB-1997 10:52:06.00

SUBJECT: Re: Toledo jeep

TO: Kevin M. O'Keefe (CN=Kevin M. O'Keefe/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

We're happy to do whatever you think should be done. I just thought that since they requested NEC, it should go over there first. But if you disagree, just let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-FEB-1997 11:19:33.00

SUBJECT: Re: AFL LA trip mtg

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

READ:UNKNOWN

TEXT:

yes, thanks

February 7, 1997

MEMORANDUM FOR THE DOMESTIC POLICY COUNCIL

FROM: BRUCE REED
SUBJECT: FEBRUARY MEETING

There will be a meeting of the Domestic Policy Council on Friday, February 13 from 10:30 to 11:30 a.m. in the Roosevelt Room.

As you recall, at the last cabinet meeting, the Chief of Staff asked each Secretary to review second-term priorities in light of the President's State of the Union address. He also has asked the various Policy Councils to meet with their member agencies in order to discuss these priorities. I hope to use this discussion to seek your help on a number of concrete projects, including promoting the President's 10-point education plan, creating work opportunities for welfare recipients, and providing assistance to the D.C. government. I also will give you an update and seek further advice on the 0-3 conference we talked about at our last meeting.

Please have your staff provide any necessary clearance information to Cathy Mays (456-6515). If you have any questions about the meeting, please contact me (456-6515) or my Deputy, Elena Kagan (456-5584).

Baltimore City funding controversy: The state legislature will soon have to decide whether to approve a proposed settlement of a suit brought by Baltimore against the State, alleging unlawful disparities in school financing. Under the terms of the settlement, Baltimore will receive an additional \$40 million per year from the state in each of the next five years. In exchange, Baltimore will accept a new school board, which will be jointly appointed by the Mayor of Baltimore and the Governor of Maryland from a pool of candidates recommended by the State Board of Education. Legislators from Montgomery and Prince George's Counties have objected to the proposed settlement, arguing that it gives too much money to Baltimore. It is currently impossible to predict whether the state legislature will approve the settlement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-FEB-1997 18:59:41.00

SUBJECT: Re: FYI final version of education attachment

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

TEXT:
thanks. looks good.

February 10, 1997

MEMORANDUM FOR HEADS OF DEPARTMENTS

FROM: BRUCE REED
Assistant to the President for Domestic Policy

ELENA KAGAN
Deputy Assistant to the President for Domestic Policy

SUBJECT: Formation of Interagency Working Group on Early Childhood Development

As the President announced in his State of the Union Address, he and the First Lady will hold a White House Conference on Early Learning and the Brain this Spring. In conjunction with this Conference, and in light of recent scientific research on neurological development, the Administration will engage in a broad-based review of policy affecting our youngest children. As this review goes forward, the Administration will highlight ongoing and new initiatives to support these children and their families.

To initiate this effort, the President will issue an executive memorandum asking each agency to identify policies and proposals to enhance early childhood development. This memorandum also will call for the formation of a senior level interagency working group to share, examine, and develop these plans. Attached is a draft of this memorandum.

We will hold the first meeting of this working group on Friday, February 14, from 1:30-2:30 p.m. in Room 180 of the Old Executive Office Building. We would like you to designate a Presidential appointee to join this working group and attend this meeting. Because the President wishes to issue the executive memorandum shortly after this meeting, your designee should provide any comments you have on the memorandum before or at the meeting. In addition, designees should bring with them a list of the three to five programs or initiatives relating to early childhood development that your agency, at this early stage in the process, would most like to highlight. Given the Administration's commitment to a balanced budget and fiscal discipline, each agency should indicate the level of new funding, if any, these initiatives would require.

Please feel free to contact either of us with any questions.

Attachment

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 12:06:16.00

SUBJECT: Re: WH Conferences Bloom in April

TO: Jeanine D. Smartt (CN=Jeanine D. Smartt/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: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Can't we convince them to put their conference off? If we have too many,
each will be hurt.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 12:42:28.00

SUBJECT: Re: interagency meeting

TO: Nicole R. Rabner (Nicole R. Rabner @ EOP @ LNGTWY [WHO])

READ:UNKNOWN

TEXT:

we usually have regular 4:00 meetings -- on education, welfare etc. how about 2:00 ojn one of those days?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 08:25:44.00

SUBJECT: voluntarism summit

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

TEXT:

Diana Fortuna is coordinating the voluntarism summit. And sorry for not responding to your question earlier: my email was out for a bit, and then I just forgot.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 12:32:49.00

SUBJECT: Re: WH Conferences Bloom in April

TO: Jeanine D. Smartt (CN=Jeanine D. Smartt/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: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

I just saw Ron down at the mess and mentioned it to him. He said he thought they needed to do the empowerment conf. in april because it's way overdue already.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 20:15:49.00

SUBJECT: Re: this evening

TO: Jeanine D. Smartt (CN=Jeanine D. Smartt/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:
no, let's touch base in the morning. thanks.

February 10, 1997

MEMORANDUM FOR HEADS OF DEPARTMENTS

FROM: BRUCE REED
Assistant to the President for Domestic Policy

ELENA KAGAN
Deputy Assistant to the President for Domestic Policy

SUBJECT: Formation of Interagency Working Group on Early Childhood Development

As the President announced in his State of the Union Address, he and the First Lady will hold a White House Conference on Early Learning and the Brain this Spring. In conjunction with this Conference, and in light of recent scientific research on neurological development, the Administration will engage in a broad-based review of policy affecting our youngest children. As this review goes forward, the Administration will highlight ongoing and new initiatives to support these children and their families.

To initiate this effort, the President will issue an executive memorandum asking each agency to identify policies and proposals to enhance early childhood development. This memorandum also will call for the formation of a senior level interagency working group to share, examine, and develop these plans. Attached is a draft of this memorandum.

We will hold the first meeting of this working group on Friday, February 14, from 1:30-2:30 p.m. in Room 180 of the Old Executive Office Building. We would like you to designate a Presidential appointee to join this working group and attend this meeting. Because the President wishes to issue the executive memorandum shortly after this meeting, your designee should provide any comments you have on the memorandum before or at the meeting. In addition, designees should bring with them a list of the three to five programs or initiatives relating to early childhood development that your agency, at this early stage in the process, would most like to highlight. Given the Administration's commitment to a balanced budget and fiscal discipline, each agency should indicate the level of new funding, if any, these initiatives would require.

Please feel free to contact either of us with any questions.

Attachment

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 11:55:56.00

SUBJECT: Re: Affirmative action meeting

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

READ:UNKNOWN

TEXT:

ok.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 20:01:37.00

SUBJECT: just checking

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

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

TEXT:

that as part of your looking over our proposed solution, you will run some numbers to find out approx. how many states will fall short (and by how much) of the minimum wage as the required number of hours of work increases.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 15:55:01.00

SUBJECT: o-3 interagency memo

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

TEXT:

Could you take a look at the attached? we should try to get it out today or early tomorrow if we can. thanks. One question: should it come from just you or from both of us?

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D62]MAIL46337504S.016 to ASCII,
The following is a HEX DUMP:

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February 10, 1997

MEMORANDUM FOR HEADS OF DEPARTMENTS

FROM: BRUCE REED
Assistant to the President for Domestic Policy

ELENA KAGAN
Deputy Assistant to the President for Domestic Policy

SUBJECT: Formation of Interagency Working Group on Early Childhood Development

As the President announced in his State of the Union Address, he and the First Lady will hold a White House Conference on Early Learning and the Brain this Spring. In conjunction with this Conference, and in light of recent scientific research on neurological development, the Administration will engage in a broad-based review of policy affecting our youngest children. As this review goes forward, the Administration will highlight ongoing and new initiatives to support these children and their families.

To initiate this effort, the President will issue an executive memorandum asking each agency to identify policies and proposals to enhance early childhood development. This memorandum also will call for the formation of a senior level interagency working group to share, examine, and develop these plans. Attached is a draft of this memorandum.

We will hold the first meeting of this working group on Friday, February 14, from 1:30-2:30 p.m. in Room 180 of the Old Executive Office Building [**check availability**]. We would like you to designate a Presidential appointee to join this working group and attend this meeting. Because the President wishes to issue the executive memorandum shortly after this meeting, your designee should provide any comments you have on the memorandum before or at the meeting. In addition, designees should bring with them a list of the three to five programs or initiatives relating to early childhood development that your agency, at this early stage in the process, would most like to highlight. Given the Administration's commitment to a balanced budget and fiscal discipline, each agency should indicate the level of new funding, if any, these initiatives would require.

Please feel free to contact either of us with any questions.

Attachment

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 19:45:42.00

SUBJECT: Re: update

TO: Jeanine D. Smartt (CN=Jeanine D. Smartt/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

thanks, but could you just give me the eo? I'd like to make some changes to it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 11:37:42.00

SUBJECT: Re: Affirmative action meeting

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

TEXT:

OK by me. I'm checking with steve warnath from my office as well.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 11:37:25.00

SUBJECT: Affirmative action meeting

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

TEXT:

can you make this time?

----- Forwarded by Elena Kagan/OPD/EOP on 02/10/97 11:36 AM -----

Richard L. Hayes

02/10/97 11:07:27 AM

Record Type: Record

To: Dawn M. Chirwa/WHO/EOP, Kumiki S. Gibson/OVP @ OVP, Elena Kagan/OPD/EOP
cc:
Subject: Affirmative action meeting

I will let you know by the end of the day, but we are probably going to meet with Wade et al.; on Thursday morning regarding affirmative action. We are still juggling times, but we are going to try for 10 a.m. Please let me know if you are free to attend this meeting?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 10:08:08.00

SUBJECT: Re: Stat Rape

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

READ:UNKNOWN

TEXT:

yes, that's fine

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 10:57:14.00

SUBJECT: Re: Follow up to Georgia Trip

TO: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

tell me if/when she responds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 10:20:09.00

SUBJECT: Re: Follow up to Georgia Trip

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

TEXT:
shameless.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 12:24:09.00

SUBJECT: Patsy Fleming

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

TEXT:

does this seem ok to you?

----- Forwarded by Elena Kagan/OPD/EOP on 02/11/97 12:22
PM -----

Sarah S. Freeman
02/11/97 12:18:35 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Patsy Fleming

Elena,
thanks for your message. Jim Dorskind wants you to clear my draft letter to Patsy Fleming -- the bad part is that I need it back right away. They are having a good-bye party tomorrow at AIDS Policy and they want to present the letter. Thanks.
Sarah x65514

As you leave the Administration, I want to thank you for your hard work and many contributions to the Office of National AIDS Policy.

During your tenure as Director, the White House Office of National AIDS Policy made remarkable progress in our battle against HIV and AIDS. You oversaw significant increases in funding for AIDS research, prevention, treatment, and housing that helped to bring life-sustaining care to thousands more Americans. You helped focus a new national attention on the critical challenges that HIV presents to young people. The 1995 report on this topic has changed the national dialogue and empowered young people to protect themselves. This period also saw the development of the first-ever National AIDS Strategy, which established goals for our nation and opportunities for progress in the year ahead.

On behalf of all Americans, thank you for working so hard to end the suffering caused by this terrible disease. Hillary joins me in sending best wishes for every future success and happiness.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 13:59:07.00

SUBJECT: school to work

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

TEXT:

FYI. (I did answer it.)

----- Forwarded by Elena Kagan/OPD/EOP on 02/11/97 01:57
PM -----

Sylvia M. Mathews
02/11/97 01:40:00 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: school to work

How does this fit into our ten point plan?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 13:36:47.00

SUBJECT: Re: Patsy Fleming

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

TEXT:
looks great

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 13:58:11.00

SUBJECT: Re: school to work

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

TEXT:

We put it in the 9th point, which is called "lifelong learning." As you probably know, the school-to-work program provides work-based learning to high school and college students, integrating academic and vocational instruction. We thought the program best fit in the "lifelong learning" section because of its job training aspect. (The other initiative discussed in that section is the GI Bill Skill Grant.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 11-FEB-1997 10:43:25.00

SUBJECT: 0-3 directive

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

TEXT:

Ken -- we'd like to send out the attached documents to cabinet secretaries. (As you can see from the cover memo, the presidential directive will be sent out in draft.) Are you OK with them? Let me know ASAP.

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

TEXT:

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The following is a HEX DUMP:

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February 11, 1997

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Federal Policies Targeted to Children in Their Earliest Years

Over the past few years, scientific research has demonstrated that the earliest years of life -- before children reach school-age -- are critical to cognitive and emotional development. We know that emotional nourishment, good nutrition, proper health care, intellectual stimulation and parental and community support during the first years of life form the foundation for a child's ability to learn, thrive in school, work productively and contribute fully to society.

Across the federal government, we are making great strides to enhance development during the earliest years of life, before a child reaches school, by investing in research, educating parents and caregivers, and supporting programs that provide early intervention to disadvantaged families. I am committed to accelerating our efforts to target the earliest years of life. We all have a stake in ensuring that every child is given the opportunity to fulfill his or her God-given potential.

Today, I am directing the heads of executive departments and agencies to report to me in thirty days with:

1. a comprehensive list and assessment of existing projects and programs that target the earliest years of life -- including any qualitative or quantitative evidence of success, as well as current funding level and number of clients served -- and a description of proposed improvements, if any are needed, to such projects and programs;
2. a comprehensive list and assessment of planned projects and programs that target the earliest years of life, including projected funding levels and number of clients to be served; and
3. specific proposals of additional projects and programs that could be undertaken to target the earliest years of life, including an estimate of the new funding, if any, these proposals would require.

I am also directing the establishment of a senior level interagency working group to share, examine, and develop these assessments and plans.

February 11, 1997

MEMORANDUM FOR HEADS OF DEPARTMENTS

FROM: BRUCE REED
Assistant to the President for Domestic Policy

ELENA KAGAN
Deputy Assistant to the President for Domestic Policy

SUBJECT: Formation of Interagency Working Group on Early Childhood Development

As the President announced in his State of the Union Address, he and the First Lady will hold a White House Conference on Early Learning and the Brain this Spring. In conjunction with this Conference, and in light of recent scientific research on neurological development, the Administration will engage in a broad-based review of policy affecting our youngest children. As this review goes forward, the Administration will highlight ongoing and new initiatives to support these children and their families.

To initiate this effort, the President will issue an executive memorandum asking each agency to identify policies and proposals to enhance early childhood development. This memorandum also will call for the formation of a senior level interagency working group to share, examine, and develop these plans. Attached is a draft of this memorandum.

We will hold the first meeting of this working group on Friday, February 14, from 1:30-2:30 p.m. in Room 472 of the Old Executive Office Building. We would like you to designate a Presidential appointee to join this working group and attend this meeting. Because the President wishes to issue the executive memorandum shortly after this meeting, your designee should provide any comments you have on the memorandum before or at the meeting. In addition, designees should bring with them a list of the three to five programs or initiatives relating to early childhood development that your agency, at this early stage in the process, would most like to highlight. Given the Administration's commitment to a balanced budget and fiscal discipline, each agency should indicate the level of new funding, if any, these initiatives would require.

Please feel free to contact either of us with any questions.

Attachment

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 20:39:18.00

SUBJECT: Re: NEC and DPC principal meetings this week

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

TEXT:

Hmmm. DOT should have been notified. They should call Cathy Mays 66515.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 13:39:12.00

SUBJECT: office

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

READ:UNKNOWN

TEXT:

Kathy said sylvia spoke to her about the office question. Sylvia said she was getting "bad vibes" about it and made the point that most deputies don't have WH offices. (Of course, the other two policy council deputies do.) From the cnpversation, Kathy thought you should talk with Sylvia again before too much time goes by.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 18:07:38.00

SUBJECT: attached

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

TEXT:

Here they finally are. (My e-mail wasn't working all day.) If you want to make changes, let me know. Otherwise, could you plug this in and send a new copy of the memo around to everyone?

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

TEXT:

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The following is a HEX DUMP:

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4. Position on Beck legislation aimed at limiting the use of union dues in political activity

The Republicans in Congress have made clear that they will try to attach a “Beck provision” to some piece of legislation that you want to sign. This provision (named after a Supreme Court case) would prevent a union from using compulsory dues for political purposes unless a union member specifically authorizes such use. It goes much further than current law, which allows a union to use dues for political activity except when a union member specifically objects and demands reimbursement. Unions correctly believe that the Republican Beck provision (there may be a Democratic version that simply codifies current law) would gravely interfere with their political activity. They would like the President to threaten a veto of such legislation.

Proposal: State strong opposition to Beck legislation, no matter what it is attached to, but refrain from making a veto threat.

Pro: This approach will make clear your vehement opposition to this legislation and will fortify Congressional Democrats in trying to defeat it. It will not, however, back you into a corner in the event Republicans succeed in attaching the Beck provision to some essential bill.

Con: The unions would prefer that you threaten a veto of any legislation containing a Beck provision.

Recommendation: John Hilley, Bruce Reed, and I all recommend that you state strong opposition to Beck legislation, no matter what it is attached to.

6. Welfare reform and minimum wage

The AFL will press the Vice President to take a position on whether worker protection statutes -- particularly the Fair Labor Standards Act (FLSA) -- apply to welfare recipients participating in work activities under the new welfare law. Bruce Reed and Ken Apfel of OMB have been running an interagency process (involving DOL, HHS, USDA, and others) to hammer out an answer to this question. The trick is to figure out how to apply the minimum wage law to welfare participants without imposing large new costs on states. Bruce and Ken are confident that a solution can be worked out that goes a fair way toward satisfying the unions, yet does not upset many governors. But they are a few weeks away from presenting this proposed solution to you. And everyone seems to agree that if the Vice President announces an Administration position favorable to the unions at the Council meeting, both the governors and the Congress could react very negatively. There is a danger that such an announcement would make a complex and studied welfare implementation decision look like a mere gift to the unions.

Proposal: The Vice President should not raise the minimum wage issue at the Council meeting. Members of the Vice President should give John Sweeney some private assurances that the Administration will soon put out its position and that the key questions -- most notably, whether welfare participants count as "employees" for purposes of the minimum wage law -- will come out his way. When asked about the issue, the Vice President should make a strong statement of principle that workers shouldn't be paid a subminimum wage, whether or not they come off the welfare rolls. But he should also be careful to note that the Administration is still in the process of developing its final positions on the complex issues arising from the intersection of the labor laws and welfare law.

Pro: This approach will minimize the likelihood of a backlash from governors and/or Congress, by giving the Administration time to refine its position so as to make it more palatable to the states and by issuing the position in a non-political setting.

Con: This approach will not fully satisfy members of the AFL Council, who would prefer a clear and public statement of the Administration's position at or prior to the Council meeting.

Recommendation: I recommend that you adopt Bruce and Ken's proposal on how to handle this issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 09:57:03.00

SUBJECT: Re: No fault

TO: SEIDMAN_E (SEIDMAN_E @ A1 @ CD @ LNGTWY [EOP]) (OPD)
READ:UNKNOWN

TEXT:

yes-- can i get back to you by the end of the day?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 09:53:32.00

SUBJECT: Re: The early childhood memos

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

READ:UNKNOWN

TEXT:

that's fine. We'll make that change before anything goes out in final.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 20:04:49.00

SUBJECT: Re: FYI--Meeting

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

TEXT:
does that mean me??

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 12-FEB-1997 11:08:56.00

SUBJECT: Re: Follow up to Georgia Trip

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

TEXT:

thought you'd like this.

----- Forwarded by Elena Kagan/OPD/EOP on 02/12/97 11:07
AM -----

Michael Cohen
02/12/97 08:22:39 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Re: Follow up to Georgia Trip

It is so good to know that prompt, direct follow up by staff is recognized and rewarded. Let this be a lesson to you -- and don't forget to take care of our friends from Georgia in the conference!

----- Forwarded by Michael Cohen/OPD/EOP on 02/12/97
08:20 AM -----

Sylvia M. Mathews
02/11/97 01:18:04 PM
Record Type: Record

To: Michael Cohen/OPD/EOP
cc:
Subject: Re: Follow up to Georgia Trip

Thanks for the followup!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 20:04:22.00

SUBJECT: Re: BR Schedule--Note the 11:30 CPI Meeting--Can you attend?

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

READ:UNKNOWN

TEXT:

yes

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 20:02:11.00

SUBJECT: Re: Family and Medical Leave Expansions

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

READ:UNKNOWN

TEXT:

me for now

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 20:06:42.00

SUBJECT: Re: TBA meeting for Fair Labor Standards act

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

TEXT:

I can do 5 (though 5:30 is better); not before. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 18:07:40.00

SUBJECT: Re: Cohen event conflict

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

TEXT:
diana fortuna

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 18:07:41.00

SUBJECT: Attached memorandum re labor-related issues.

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

TEXT:
the rest of the memo

----- Forwarded by Elena Kagan/OPD/EOP on 02/12/97 05:46
PM -----

Kathleen M. Wallman
02/12/97 12:06:00 PM

Record Type: Record

To: Elena Kagan
cc:
Subject: Attached memorandum re labor-related issues.

Message Creation Date was at 12-FEB-1997 12:06:00

Attached please find a draft memorandum for your review. Steve Kelman,
will
you please give to Director Raines? Many thanks.

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

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

TEXT:
The following attachments were included with this message:

TYPE : FILE
NAME : aflcio5.wpd

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

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

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D12]MAIL485157246.016 to ASCII,
The following is a HEX DUMP:

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NOT FOR FURTHER DISTRIBUTION

MEMORANDUM FOR Ken Apfel
 Andy Blocker
 Maria Echeveste
 Kitty Higgins
 John Hilley
 Elena Kagan
 Steve Kelman
 Sylvia Mathews
 John Podesta
 Frank Raines
 Doug Sosnick
 David Strauss
 Daniel Tarullo
 Wendy White

FROM: Kathleen Wallman

SUBJECT: Draft Decision Memorandum Concerning Labor-Related Issues

COPY: Gene Sperling

DATE: February 12, 1997

I am sending you a draft of the decision memorandum that we discussed yesterday. I think that this draft should not be disseminated. In view of the time pressure, Gene has authorized me to share their preliminary draft prior to his review of it. I do not yet have two sections that Elena Kagan has graciously agreed to draft, but thought I should send around this portion to ensure that people agree that it properly reflects the nuances of yesterday's discussions. I will circulate another draft as soon as I am able that includes Elena's work.

I will consult with the Cabinet Departments, too. If there is anyone else in the White House who should see this draft whose name does not appear above, please alert me.

Please e-mail comments to me -- I am KM Wallman, not K Wallman -- or phone me at 65803. Thanks.

Draft 2/12/97 11:30 a.m.

MEMORANDUM FOR THE PRESIDENT

FROM: GENE B. SPERLING

SUBJECT: POSSIBLE POLICY ANNOUNCEMENTS RELATED TO LABOR ISSUES

DATE: FEBRUARY 12, 1997

On February 18, the Vice President will address the Executive Council of the AFL-CIO at its Winter Convention in Los Angeles. The NEC has met and deliberated the merits of several possible executive actions and possible announcements of legislative positions that are of interest to the AFL-CIO and that the Vice President could announce at the convention. Our recommendations are offered below.

In general, the AFL-CIO acknowledges the unlikelihood in the near term of significant legislative changes that would improve labor and employment laws. Indeed, they acknowledge that their legislative agenda will be largely defensive in the coming months and years. But, as exemplified here, they seek the Administration's expression of support, in both symbolic and concrete ways, for the principle that unions have been and still are valuable forces in the workplace.

1. Possible amendments to federal procurement regulations.

Federal law provides that the government should maintain a position of neutrality in labor disputes between unions and federal contractors. Nevertheless, under current federal contracting policies, contractors may be reimbursed for the costs of resisting unionization efforts and litigating against unfair labor practice charges, and remain eligible to receive new contracts.

To address what it perceives as the unfair "tilt" against unions that these federal contracting policies embody, the AFL-CIO has urged that the Administration direct the Federal Procurement Council, which operates under the auspices of the Office of Federal Procurement Programs within OMB, to initiate a notice and comment rulemaking to amend the Federal Acquisition Regulations (FAR) in three respects. We summarize the actions under consideration and the pros and cons of each. Since all three proposals go to the unions' neutrality principle, and since some members of your NEC believed it important to consider their impact together, we summarize the Cabinet Departments' recommendations at the end of this section rather than at the end of the discussion of each individual proposal.

- a. Amend the FAR to cease reimbursement to contractors for costs incurred to defend against unfair labor practice allegations that are in litigation.**

The Federal Acquisition Regulations (FAR) currently do not permit federal contractors to be reimbursed for the costs of defending criminal and certain civil proceedings brought by the government, as well as penalties resulting from those proceedings. In the case of civil proceedings, reimbursement is disallowed, however, only where a monetary penalty could have been imposed. Since the National Labor Relations Act does not include monetary penalties, the current regulations have often been construed to permit reimbursement of defense costs associated with unfair labor practice proceedings initiated by the General Counsel of the NLRB.

Proposal: Amend the FAR to make clear that any and all costs relating to defending unfair labor practice charges and complaints brought by the NLRB General Counsel are now allowable, both in evaluating bids for fixed price contracts as well as reimbursement for cost reimbursement contracts

Pro: Taxpayers' dollars should not be used to "tilt the playing field" in favor of employers against unions and employees. Eliminating this reimbursement will bring treatment of NLRB litigation costs in line with other kinds of litigation costs.

Con: No serious objections or downsides were identified, although a negative reaction from government contractors who have been permitted thus far to treat these costs as reimbursable is predictable.

b. Amend the FAR to cease reimbursement for costs incurred to try to persuade employees not to unionize.

The FAR currently provides that costs incurred by a contractor in maintaining satisfactory labor relations between the contractor and its employees, including costs of shop stewards, labor management committees, employee publications, and other related activities, are allowable costs. Under this provision, contractors have sought and been reimbursed for activities that undermine rather than promote satisfactory labor relations. On occasion, the costs that are being paid for by the taxpayers are for persistent anti-union organizing activity.

Proposal: Amend the FAR to provide that contractor costs incurred for activities related to influencing employees respecting unionization are specifically unallowable.

Pro: Taxpayers should not be subsidizing an employer's efforts to defeat union organizing activities and that these activities are now designed, and do not have the effect of, "maintaining satisfactory labor relations." A number of other statutes explicitly prohibit the use of government funds to promote, assist, or deter union organizing activities, such as the Job Training Partnership Act, the National Community Service Act, Head Start, and Medicare. Accordingly, there is precedent for this kind of provision and auditors having to concern themselves with these other statutes have had to determine whether an employer's labor

relations costs were or were not allowable.

Con: Disallowing costs for employee meetings by contractors would be characterized by the business community as pulling the rug out from labor-management cooperation. They will argue that it will not be possible in practice to separate legitimate activities from anti-union persuasion. This provision will require auditors to make decisions about what costs are allowable that they are not well equipped to make. In addition, this provision will likely be viewed by the contracting community as an unnecessary and burdensome requirement not otherwise imposed in the private sector.

c. **Amend the FAR to allow government contracting officers to consider, when deciding whether a contractor is a “responsible” contractor (a term of art under the existing FAR), the bidder’s record of labor and employment policies and practices.**

The FAR provides that a prospective government contractor must be found to be a “responsible contractor” before being awarded a government contract. “Responsibility” requires that a prospective contractor be capable of performing the contract, that it has a satisfactory performance record, and that it has satisfactory “integrity and business ethics”.

Under current practice, a prospective contractor may have engaged in egregious activities relating to labor or employment practices and still be eligible to receive federal contracts. These activities currently do not call into question any aspect of the prospective contractor’s responsibility. In some cases, the egregious activities may have been adjudicated and found illegal, but more commonly, a contractor has no such finally adjudicated violations, and there are instead pending charges -- sometimes many of them -- that will take time to wend their way through the administrative process at the NLRB, the EEOC or through the courts. Sometimes the allegations are never adjudicated; for example, most unfair labor practice complaints are ultimately settled.

Proposal: Add to the FAR language indicating that the responsibility determination must take into account whether the bidder has “a satisfactory record of labor and employment policies and practices.” (This language parallels the existing provision requiring “a satisfactory record of integrity and business ethics”.)

Pro: The existing FAR already allows contracting officers to weigh the bidder’s “business ethics”, its “integrity” and its “capability” to perform the contract. Factors that may be considered in assessing capability include “safety” and “energy/environmental considerations”. Labor relations and employment conditions are and equally important and appropriate consideration, and the Administration ought to say so clearly in the FAR.

Con: Evaluating “satisfactory” labor relations and employment conditions is a qualitative judgment that contracting officers are not well equipped to make, especially where the disputed actions or conditions have not been adjudicated. Compliance will also be burdensome for contractors who will have to worry about meeting a non-quantifiable standard.

Positions: **Labor** recommends that you authorize all three actions. **Commerce** recommends that you authorize (a) (“defense costs”) but not (b) (“persuading costs”) or © (“responsible contractor” amendments). Commerce believes that persuading costs will be too nettlesome to implement as a practical matter; contracting officers will not be able adequately to discern reimbursable activity from non-reimbursable activity. **SBA** urges that you authorize (a) but not (c). As to the responsible contractor amendments, SBA urges that the Procurement Council issue interpretive guidance indicating that labor and employment practices and policies should be taken into account, but that the FAR should not be amended. (This approach was explored with AFL-CIO, but was deemed by them inadequate to reach the goal since such interpretive guidance has no force of law.) **OMB** concurs with SBA. **Treasury** recommends that you authorize (a) and (c), but not (b) for the same difficulty of implementation reason offered by Commerce.

Recommendation: I recommend that you authorize all three initiatives. There is no disagreement as to (a). The second initiative is described by those who oppose it as difficult to implement, but not impossible. If we go forward with (a) and leave (b) undone, we will be subject to the reasonable criticism that we are continuing to allow the use of taxpayers’ money to underwrite anti-union proselytizing even though we have gone to the trouble to eliminate reimbursement of defense costs. The third initiative, the responsible contractor amendments, is a reasonable policy choice that puts the Administration clearly on record, through regulatory amendments that have the force of law, that a contractor’s practices and policies with respect to labor and employment are important considerations. Its practical effect will be to afford unions a “hook” in the regulations to present relevant information to contracting officers about truly egregious situations involving a pattern of abusive labor and employment practices.

_____ **Agree** _____ **Disagree** _____ **Let’s Discuss**

2. Possible executive order encouraging the use of project labor agreements

Project labor agreements, also known as “pre-hire agreements,” are specially negotiated agreements between a project owner or construction manager and one or more labor organizations. The agreements are reached at the outset of a project in order to ensure efficient, timely and quality work; establish fair and consistent labor standards and work rules; supply a skilled, experienced and highly competent workforce; and assure stable labor-management relations throughout the term of the project. These agreements have long been used for public and private construction projects that involve a large volume of work, extend over a substantial period of time, include a substantial number of contractors, and entail substantial costs. It is

well established that these agreements are effective and may be lawfully used in both the private and public sector for construction industry projects.

Proposal: Issue an Executive Order that directs Executive departments and agencies authorized to implement or fund a project for the construction of a federal facility to determine on a project-by-project basis whether a project labor agreement will promote labor-management stability; advance the public interest in economical, efficient, quality and time project performance; and assist project compliance with applicable legal requirements governing health and safety, equal employment opportunity, and labor standards. **The Executive Order would not require the use of a project labor agreement on any particular project.**

Pro: Project labor agreements are useful and lawful, but federal agencies may not be aware of their availability and have not been using them in a significant way. Issuing an Executive Order would make clear that federal contracting agencies have this authority and should consider using such agreements in appropriate circumstances.

Con: . No serious objections or downsides have been identified, although this action, in combination with other actions on the list of labor-related initiatives and announcements you authorize could send a signal as to the tone you intend to take on labor-management issues.

Positions: All of the agencies support issuance of an executive order that encourages but does not require the use of these agreements.

Recommendation: I recommend that you authorize issuance of the proposed executive order.

_____ **Agree**

_____ **Disagree**

_____ **Let's Discuss**

3. **Possible linkage of flex time legislation to legislation that expands the FMLA**

The two comp time bills currently being considered on the Hill -- both Republican-sponsored -- fail to address FMLA expansion, and provide fewer guarantees of employee choice and fewer protections against potential abuse than your flex time bill, which was sent to Congress last September.

Specifically, the bills do not exclude vulnerable workers; do not include special protections for workers whose employers go bankrupt; do not guarantee real choice for employees; among other shortcomings. The Ashcroft comp time bill in particular has provisions that would effectively eliminate the 40-hour week. The labor movement strongly opposes the Republican comp time bills, and finds these Ashcroft provisions to be particularly offensive.

With respect to FMLA, Democrats in both houses have introduced bills to expand the

current law. Several bills are consistent with your proposal to expand FMLA for an additional 24 hours for the purposes of routine medical care for children and elderly parents or school related activities. Other Democratic bills would lower the threshold of FMLA applicability from 50 to 25 employees, a provision that was not included in your bill. Predictably, while most Republicans oppose FMLA expansion, the bills have support from women's groups and the labor movement. The Democratic legislative strategy is to try to add FMLA expansion to the Republican bills while criticizing their comp time components.

In light of this strategy, the labor movement has urged that the Administration threaten to veto any bill that does not (1) link FMLA expansion and flex time, and (2) improve the comp time provisions to provide real choice and real protections for employees (as in your flex time bill).

Proposal: Our proposal is different from what AFL-CIO is urging in that we think you should stop short of saying that you will veto any flex time bill that does not include FMLA expansion. Rather, we would establish as the Administration's position that there should be a link between FMLA expansion and any flex time legislation; that any flex time proposal should address our principles, as spelled out in your bill from last year (i.e., real choice for employees; real protection against employer abuse; and preservation of basic worker rights, such as the 40-hour work week); and that you will veto any comp time bill that does not address these flex time principles in a meaningful way.

Pro: This position would strengthen the position of congressional Democrats to improve the Republican bills. It would also be welcomed by constituency groups that view the Republican bills as a weakening of employee protection laws. Since this strategy does not threaten a veto if FMLA expansion is not in a final bill, the strategy does not lock you in to a veto of an otherwise acceptable flex time bill.

Con: AFL-CIO would prefer that you threaten to veto any bill that does not include an expansion of FMLA. Under this strategy, you might have to veto a comp time bill, although it would be one that falls far short of the family-friendly principles you have laid out.

Recommendation: I recommend -- along with the NEC members -- the proposal discussed above that you (1) express support for FMLA expansion and flex time and (2) threaten to veto a comp time bill if your principles are not addressed. I recommend that you not lock yourself into saying that you will veto any flex time bill that does not include FMLA expansion.

_____ **Agree**

_____ **Disagree**

_____ **Let's Discuss**

[Does Legislative Affairs want to offer a different recommendation?]

_____ Agree

_____ Disagree

_____ Let's Discuss

4. **Position on Beck legislation aimed at limiting the use of union dues in political activity**

[DPC (Elena) is writing this section of the memo]

Status and positions:

5. **Restating last year's veto threats on (i) TEAM legislation (ii) Davis-Bacon legislation and (iii) legislation to weaken OSHA.**

Last year, you indicated you would veto the TEAM bill and the other two legislative proposals. It is proposed that the Vice President would restate your position in Los Angeles, with language that leaves room for improvements in TEAM legislation that you may conclude somewhere down the road that you may wish to sign.

Positions: There was consensus among the members of your NEC that restating your previous positions with carefully crafted language that does not prevent you from considering an improved TEAM bill would be the right path to take.

Recommendation: I recommend that we go ahead and restate your previous positions. The exact wording used will be vetted beforehand.

_____ Agree

_____ Disagree

_____ Let's Discuss

6. **Welfare reform and minimum wage**

[DPC (Elena) is writing this section]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1997 12:41:30.00

SUBJECT: Re: I hate to bug you, but

TO: Ellen S. Seidman (CN=Ellen S. Seidman/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:
looking right now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1997 09:44:50.00

SUBJECT: Re: Education/Budget Mtg

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

READ:UNKNOWN

TEXT:

nope.

6. Welfare reform and minimum wage

The AFL will press the Vice President to take a position on whether worker protection statutes -- particularly the Fair Labor Standards Act (FLSA) -- apply to welfare recipients participating in work activities under the new welfare law. Bruce Reed and Ken Apfel of OMB have been running an interagency process (involving DOL, HHS, USDA, and others) to hammer out an answer to this question. The trick is to figure out how to apply the minimum wage law to workfare participants without imposing large new costs on states. Bruce and Ken are confident that a solution can be worked out that goes a fair way toward satisfying the unions, yet does not upset many governors. But they are a few weeks away from presenting this proposed solution to you. And everyone seems to agree that if the Vice President announces an Administration position favorable to the unions at the Council meeting, both the governors and the Congress could react very negatively. There is a danger that such an announcement would make a complex and studied welfare implementation decision look like a mere gift to the unions.

Proposal: The Vice President should not raise the minimum wage issue at the Council meeting. Members of the Vice President should give John Sweeney some private assurances that the Administration will soon put out its position and that the key questions -- most notably, whether workfare participants count as "employees" for purposes of the minimum wage law -- will come out his way. When asked about the issue, the Vice President should make a strong statement of principle that workers shouldn't be paid a subminimum wage, whether or not they come off the welfare rolls. But he should also be careful to note that the Administration is still in the process of developing its final positions on the complex issues arising from the intersection of the labor laws and welfare law.

Pro: This approach will minimize the likelihood of a backlash from governors and/or Congress, by giving the Administration time to refine its position so as to make it more palatable to the states and by issuing the position in a non-political setting.

Con: This approach will not fully satisfy members of the AFL Council, who would prefer a clear and public statement of the Administration's position at or prior to the Council meeting.

Recommendation: I recommend that you adopt Bruce and Ken's proposal on how to handle this issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1997 13:25:08.00

SUBJECT: today's Fair Labor Standards Act meeting

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/13/97 01:24 PM -----

Jill M. Pizzuto

02/13/97 01:22:22 PM

Record Type: Record

To: Kenneth S. Apfel/OMB/EOP, Elena Kagan/OPD/EOP, Kathryn O. Higgins/WHO/EOP, Gene B. Sperling/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: today's Fair Labor Standards Act meeting

meeting is confirmed for 5:30p in ROOM 248, OEOB. Those attending are:

- OMB (Apfel / staff)
- DPC (Kagan)
- Cabinet Affairs (Higgins or staff)
- DOL (Seth Harris & Marvin Krislov)
- HHS (John Monahan, TENT Olivia Golden)
- AG (Yvette Jackson OR Bonny O'Neil)
- NEC (Invited Sperling or staffer)

if there are any questions, please call 5-4844.

Message Copied

To: _____

Barry White/OMB/EOP

Larry R. Matlack/OMB/EOP

Keith J. Fontenot/OMB/EOP

Stacy L. Dean/OMB/EOP

Janet Himler/OMB/EOP

Melissa Green/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1997 09:46:24.00

SUBJECT: Re: Family and Medical Leave Expansions

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

TEXT:

No. sorry. Leg affs probably would.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1997 09:44:28.00

SUBJECT: Re: TBA meeting for Fair Labor Standards act

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

READ:UNKNOWN

TEXT:

which people from the agencies?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1997 09:43:43.00

SUBJECT: Re: Senior Staff Coverage

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

READ:UNKNOWN

TEXT:

I had no idea. I'll be around, either here or at home.

Question: Is the Administration going to make clear that the Fair Labor Standards Act requires that at least the minimum wage be paid to welfare recipients participating in work activities?

Answer: This Administration is committed to moving people from welfare to work. It's also committed to making sure workers get at least the minimum wage for their efforts. Workers shouldn't be paid a subminimum wage, whether or not they come off the welfare rolls. But the Administration hasn't reached a final decision on the precise interaction between the Fair Labor Standards Act and the new welfare law. We expect to do so within the next few weeks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-FEB-1997 15:21:21.00

SUBJECT: Re: The early childhood memos

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

READ:UNKNOWN

TEXT:
you bet

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-FEB-1997 12:02:37.00

SUBJECT: Re: The early childhood memos

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

TEXT:

If it's OK with you, we'll just note the change at the meeting and send out a new version of the memo after we get the agencies' feedback as well.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-FEB-1997 16:07:40.00

SUBJECT: Re: Possible Florida lawsuit

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

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

TEXT:

I have to think that DOJ will feel a need to defend.