

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 002 - FOLDER 007

[5/8/1997 - 5/16/1997]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1997 13:36:59.00

SUBJECT: IDEA statement

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Since we didn't get the statement out yesterday, we'd like to issue it early next week when the full House passes the bill. Does that sound OK?

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 8-MAY-1997 12:53:05.00

SUBJECT: RECEIVED: Amtrak Board of Directors

TO: Mark J. Schwartz (CN=Mark J. Schwartz/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TEXT:
RETURN RECEIPT

Your Document:
Amtrak Board of Directors
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
05/08/97 12:55:07 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1997 07:30:17.00

SUBJECT: Re: texas letter

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

READ:UNKNOWN

TEXT:

there weren't many stories anyway. let me know if there's anything you think we can do.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1997 16:34:05.00

SUBJECT: Re: The empire

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

TEXT:
cheers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1997 12:50:30.00

SUBJECT: Re: Stuff

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

TEXT:

you've been in britain too much.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1997 07:31:07.00

SUBJECT: Re: Stuff

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

TEXT:

yikes; me, a lawyer? I have a crazy schedule today, but will be out tomorrow. can we do it after the staff meeting?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1997 18:08:01.00

SUBJECT: Re: texas amendment

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 [.OPD])
READ:UNKNOWN

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

TEXT:

it was ruled non-germane, I heard. Rich thinks they're waiting to see what Ersine says and depending on that, may try again in the House.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-MAY-1997 16:35:40.00

SUBJECT: Child Care/HHS mtg.

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 05/08/97 04:39
PM -----

JANET MURGUIA
05/08/97 03:43:07 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Child Care/HHS mtg.

Please confirm that you can attend a meeting with HHS re: pending child care legislation on MONDAY, 5/12, @ 4pm in 476 OEOB.

Ken: Pls. fwd this mtg. notice to whomever else you think should attend. Thanks.

HHS attendees:
Mary Bourdette
Joan Lombardi
Ann Rosewater

Message Sent

To: _____
Jennifer L. Klein/OPD/EOP
Nicole R. Rabner/WHO/EOP
Cynthia A. Rice/OPD/EOP
Kenneth S. Apfel/OMB/EOP
Jill M. Pizzuto/OMB/EOP
Elena Kagan/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-MAY-1997 11:35:56.00

SUBJECT: Meeting at 4:00 p.m. on Monday, May 12th in room 9001

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 05/09/97 11:39 AM -----

James A. Brown
05/08/97 03:57:21 PM
Record Type: Record

To: William P. Marshall/WHO/EOP, Robert G. Damus/OMB/EOP, Steven D. Aitken/OMB/EOP, Elena Kagan/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: Meeting at 4:00 p.m. on Monday, May 12th in room 9001

As previously noted, we hope to meet on Monday afternoon with representatives of Justice and the Department of Transportation, and the White House Counsel's Office to resolve Justice's constitutional concerns regarding Amtrak's board. This now stands as the sole remaining impediment to clearance of the Administration's Amtrak reform proposal for submission to Congress.

This meeting is now scheduled for 4:00 p.m. in room 9001. Thanks.

Message Copied

To: _____
James J. Jukes/OMB/EOP
Mark J. Schwartz/OMB/EOP
Kenneth L. Schwartz/OMB/EOP
David E. Tornquist/OMB/EOP
Dorothy Robyn/OPD/EOP
Michael Deich/OMB/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1997 19:32:47.00

SUBJECT: Guidance on IDEA

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

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

TEXT:

can you take care of this? thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 05/12/97 07:36
PM -----

Barry J. Toiv

05/12/97 07:25:20 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

.cc:

Subject: Guidance on IDEA

It would be helpful to have a fact sheet on IDEA for Mike's gaggle in
a.m. Nothing fancy. And we will definitely need guidance for briefing.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1997 19:08:59.00

SUBJECT: Re: Catch up

TO: Trooper Sanders (CN=Trooper Sanders/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TEXT:

how great. call laura emmett and set up a time we can talk. i look forward to it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1997 10:30:41.00

SUBJECT: Re: IDEA statement

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

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

TEXT:
----- Forwarded by Elena Kagan/OPD/EOP on 05/12/97 10:33
AM -----

Barry J. Toiv

05/08/97 07:40:49 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Re: IDEA statement

Sure, alert us ahead of time.

May 12, 1997

MEMORANDUM FOR MRS. CLINTON

FROM: ELENA KAGAN

SUBJECT: DASCHLE AMENDMENT

Sylvia asked me to send you the amendment that Senator Daschle plans to offer tomorrow. Attached is the most recent draft. I am sorry I could not find a cleaner copy. Please let me know if you have any questions.

May 12, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: ELENA KAGAN

SUBJECT: DASCHLE AMENDMENT

The First Lady asked Sylvia for a copy of the amendment that Senator Daschle plans to offer tomorrow during the debate on the Partial Birth Abortion Act. Sylvia suggested that I send it to you too. Attached is the most recent draft. As you will see, the amendment prohibits all post-viability abortions, with an exception for life or "grievous injury." I am sorry I could not find a cleaner copy of the amendment. Please let me know if you have any questions.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1997 18:02:23.00

SUBJECT: IDEA statement

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

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

TEXT:

what's the likely timing on IDEA -- house passage? senate passage?
----- Forwarded by Elena Kagan/OPD/EOP on 05/12/97 06:02
PM -----

Barry J. Toiv

05/12/97 04:33:39 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Lucia A. Wyman/WHO/EOP
cc:
Subject: IDEA statement

How about we do this after both Houses pass? Or should we do after first
house passes? What's the likely timetable?

May 12, 1997

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May 12, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: ELENA KAGAN

SUBJECT: DASCHLE AMENDMENT

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1997 18:06:12.00

SUBJECT: Re: Volunteer Liaiblity - HR911

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

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

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

TEXT:

I suspect it's a lot better than the alternative. Ingrid, can you send me a copy of the bill? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1997 10:29:53.00

SUBJECT: Counties

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

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

TEXT:
could one of you let barry know the answer to this? thanks.
----- Forwarded by Elena Kagan/OPD/EOP on 05/12/97 10:32
AM -----

Barry J. Toiv

05/09/97 04:42:50 PM

Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Michael Cohen/OPD/EOP
Subject: Counties

The President has spoken of four counties where kids with more than 100
different language backgrounds live. Do you know the counties?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1997 19:08:02.00

SUBJECT: Re: IDEA statement

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

READ:UNKNOWN

TEXT:

You bet. Here's the statement.

----- Forwarded by Elena Kagan/OPD/EOP on 05/12/97 07:11 PM -----

William R. Kincaid
05/12/97 06:26:10 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Michael Cohen/OPD/EOP
bcc:
Subject: Re: IDEA statement

The House vote is scheduled for tomorrow after it comes back into session at 2. The Senate will probably wrap things up later in the afternoon, but as of this weekend no time agreement had been reached. We should know more about this in the morning.

One of the main potential obstacles had been an amendment that Sen. Boxer was threatening to drop on the issue of serving disabled kids in prisons. My impression is that she has backed off, but wants a colloquy on the issue.

I have made a couple of changes in the draft press statement (attached) to reflect final passage, so it will be ready to go when the bill is.

Elena Kagan
05/12/97 06:01:00 PM
Record Type: Record

To: Michael Cohen/OPD/EOP
cc: William R. Kincaid/OPD/EOP
Subject: IDEA statement

what's the likely timing on IDEA -- house passage? senate passage?
----- Forwarded by Elena Kagan/OPD/EOP on 05/12/97 06:02 PM -----

Barry J. Toiv

**STATEMENT ON HOUSE AND SENATE PASSAGE OF INDIVIDUALS WITH
DISABILITIES EDUCATION ACT (IDEA) REAUTHORIZATION LEGISLATION --
DRAFT -- May 12, 1997**

I am pleased that the House and Senate today took a major step toward ensuring high quality educational opportunities for all students by voting to reauthorize the IDEA. Over the last 20 years, the IDEA has made it possible for young people with disabilities to reach their full potential, and this legislation strengthens and reaffirms our commitment to these children and their parents. This legislation is the result of a remarkable process involving hard work by congressional Democrats and Republicans, the Department of Education, and representatives of the education and disability communities. I look forward to signing this legislation into law, and I hope that we can continue in this bipartisan spirit and move forward on the rest of our agenda to improve education and prepare America for the 21st Century.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAY-1997 09:11:28.00

SUBJECT: abortion

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

TEXT:

Your voice-mail won't let me leave a message. Call me.

May 12, 1997

MEMORANDUM FOR MRS. CLINTON

FROM: ELENA KAGAN

SUBJECT: DASCHLE AMENDMENT

Sylvia asked me to send you the amendment that Senator Daschle plans to offer tomorrow during the debate on the Partial Birth Abortion Act. Attached is the most recent draft. I am sorry I could not find a cleaner copy. Please let me know if you have any questions.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 13:18:33.00

SUBJECT: Re: IDEA bill signing event

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

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

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

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

TEXT:
absolutely

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 14:33:51.00

SUBJECT: Re: Late term letter

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

TEXT:

good, thanks. but i take it the president wants a memo on the subject.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 09:35:28.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Dear [whomever]:

As America moves into the 21st Century, we must give our people the strongest education in the world. No other priority is more important for our nation. I cannot sign any legislation that would hinder our mission of raising standards and giving every American child a world-class education. Therefore, I will veto the supplemental appropriations bill if it includes the proposed amendment that seeks to block national educational standards.

As I said in my State-of-the-Union Address, America needs educational standards -- not federal government standards, but national standards representing what all our students must know to succeed in the new knowledge economy. Every state and school must shape its curriculum to reflect these standards, and train teachers to lift students up to them. I have proposed that every state should test 4th graders in reading, and 8th graders in math, based on widely accepted national standards. These tests are already used to measure the performance of states; what we propose is that they measure the performance of every student, so parents can learn how their children are doing and how their own schools measure up. The Department of Education is already funding the development of these tests. Make no mistake: The proposed amendment would stop in its tracks this national, cooperative effort to develop meaningful tests.

Education is the key to our future, and national standards are the key to improving education. The proposed amendment would effectively block these national standards. It would set back the cause of education and damage the future of our children. It must not become law.

I am determined that all our young people will meet these new rigorous standards. That is why, for example, I am so pleased that the recent budget agreement funds our America Reads challenge, which would mobilize an army of 1 million volunteer tutors toward our goal of every 8 year old being able to read independently. We must press forward with other ongoing efforts to help our children learn the basics of reading and math, and I look forward to working with you in partnership toward these critical national goals. But above all, I will not allow our nation to come to a halt as we move toward effective national standards.

As you are also aware, I have made clear that I will veto this legislation if it includes the automatic continuing resolution provision contained in the senate passed bill. While I share the goal of ensuring that Congress does not shut the government down again, such a provision is inconsistent with our recent bipartisan budget agreement, and is clearly extraneous to this emergency disaster relief legislation.

In addition, members of my administration have informed you of other seriously objectionable provisions that must be addressed before this legislation reaches my desk.

This vital legislation contains \$5.6 billion in urgently needed disaster assistance funds for hundreds of thousands of victims of recent natural disasters in 33 states. These citizens should not be forced to wait. I urge you to pass strong disaster relief and international peacekeeping supplemental funding, without attaching unrelated and damaging provisions that can only set this legislation back.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 14:35:59.00

SUBJECT: Re: Shays Hearing

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

TEXT:

It seems the hearing was last week, and everything went well. Shays focused mostly on desert storm issues, barely touching on informed consent. No one else asked much of anything.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 14:09:50.00

SUBJECT: Re: Shays Hearing

TO: Eric P. Goosby (CN=Eric P. Goosby/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

Oh, got it. I thought sylvia's message was referring to yet another meeting. tomorrow am is fine. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 18:24:30.00

SUBJECT:

TO: Eric P. Goosby (CN=Eric P. Goosby/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

what's this all about?

----- Forwarded by Elena Kagan/OPD/EOP on 05/13/97 06:28
PM -----

Daniel C. Montoya

05/13/97 06:16:29 PM

Record Type: Record

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

cc: Cathy R. Mays/OPD/EOP

Subject:

Bruce and Elena:

Eric was told today that Representative Coburn would be having a briefing scheduled for Thursday, May 15 at noon in 2218 Rayburn HOB on "Women, AIDS and the HIV Prevention Act of 1997." They will be having Barbara Ledeen, ED, Independent Women's Forum; Pat Funderburk Ware, Director of Educational Services, Americans for A Sound AIDS/HIV Policy; and Genevieve Clavreul, Ph.D., President, International Cancer & AIDS Research Foundation.

Obviously, we will not be taking part in this briefing, but he wanted you to be aware that it was happening.

dcm

Dear Senators Daschle and Feinstein:

I am writing to express support for your amendments prohibiting late-term abortions. If Congress were to substitute either of these amendments for the current H.R. 1122, I would sign the legislation.

As you know, I have long opposed late-term abortions, and I continue to do so except where necessary to save the life of a woman or prevent serious harm to her health. When I was Governor of Arkansas, I signed into law a bill that barred third-trimester abortions, with an appropriate exception for life or health. And last year, I made clear that I would sign such a bill at the federal level.

Your amendments, though differing in detail, both meet the standards I have set for such legislation. The amendments contain exceptions that will adequately protect the lives and health of the small group of women in tragic circumstances who need an abortion at a late stage of pregnancy to avert death or great injury. At the same time, the amendments prohibit any late-term abortions performed for elective reasons. This balance is an appropriate one, which I -- and, I believe, most Americans -- would gladly make the nation's law.

Sincerely,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 18:41:57.00

SUBJECT: Re: Distilled Spirits meeting

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

TEXT:

they beat me to it! i'm pretty sure, but let me get back to you tomorrow
(I promise!)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 09:34:35.00

SUBJECT: letter == comments ASAP ASAP ASAP

TO: Lawrence J. Haas (CN=Lawrence J. Haas/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TEXT:

Dear [whomever]:

As America moves into the 21st Century, we must give our people the strongest education in the world. No other priority is more important for our nation. I cannot sign any legislation that would hinder our mission of raising standards and giving every American child a world-class education. Therefore, I will veto the supplemental appropriations bill if it includes the proposed amendment that seeks to block national educational standards.

As I said in my State-of-the-Union Address, America needs educational standards -- not federal government standards, but national standards representing what all our students must know to succeed in the new knowledge economy. Every state and school must shape its curriculum to reflect these standards, and train teachers to lift students up to them. I have proposed that every state should test 4th graders in reading, and 8th graders in math, based on widely accepted national standards. These tests are already used to measure the performance of states; what we propose is that they measure the performance of every student, so parents can learn how their children are doing and how their own schools measure up. The Department of Education is already funding the development of these tests. Make no mistake: The proposed amendment would stop in its tracks this national, cooperative effort to develop meaningful tests.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 13-MAY-1997 13:22:23.00

SUBJECT: Re: Same-Sex Domestic Partner Benefits at the DNC

TO: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP @ EOP [WHO])

READ: UNKNOWN

TEXT:

rich -- has the dnc actually done this already?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 14:21:57.00

SUBJECT: Re: REVISED IDEA MATERIALS

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

TEXT:

i just left it for sylvia.

----- Forwarded by Elena Kagan/OPD/EOP on 05/13/97 02:24 PM -----

William R. Kincaid
05/13/97 02:13:38 PM
Record Type: Record

To: Barry J. Toiv/WHO/EOP
cc: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP, Diana Fortuna/OPD/EOP, Lucia A. Wyman/WHO/EOP
bcc:
Subject: Re: REVISED IDEA MATERIALS

I am comfortable with these minimal changes; Elena, do you want to share with Sylvia or John?

House is just coming into session now; my understanding is that it will be voted on early this afternoon, with Senate action to follow. Don't have a strong sense of what time Senate should wrap up, but we do expect the Senate to have a final vote today.

I'll let you know if I get more updated information.

Barry J. Toiv

05/13/97 01:43:17 PM

Record Type: Record

To: William R. Kincaid/OPD/EOP
cc: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP, Diana Fortuna/OPD/EOP
Subject: Re: REVISED IDEA MATERIALS

Sorry, here it is.

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

DRAFT STATEMENT ON HOUSE AND SENATE PASSAGE OF INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA) REAUTHORIZATION LEGISLATION

I am pleased that the House and Senate today took a major step toward ensuring high quality educational opportunities for all students with disabilities by voting to reauthorize the Individuals with Disabilities Education Act (IDEA).

Over the last 20 years, the IDEA has made it possible for young people with disabilities to reach their full potential. This legislation strengthens and reaffirms our commitment to these children and their parents, and I look forward to signing it into law.

This legislation is the result of a bipartisan process that involved hard work not only by both Democrats and Republicans in the Congress but also by the Department of Education and representatives of the education and disability communities. I hope that we can continue in this bipartisan spirit and move forward on the rest of our agenda to improve education and prepare America for the 21st Century.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 19:01:43.00

SUBJECT: tuskegee POTUS briefing

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

READ:UNKNOWN

TEXT:

You and Elizabeth??

----- Forwarded by Elena Kagan/OPD/EOP on 05/13/97 07:05 PM -----

Elizabeth Drye

05/13/97 06:51:17 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: tuskegee POTUS briefing

Ben Johnson is doing the briefing memo and wants to know who from DPC will attend. Please let me know when you know if you or Bruce want to go or I should go. Satcher will be the lead person on substance.

Dear [whomever]:

As America moves into the 21st Century, we must give our people the strongest education in the world. No other priority is more important for our nation. I cannot sign any legislation that would hinder our mission of raising standards and giving every American child a world-class education. Therefore, I will veto the supplemental appropriations bill if it includes the proposed amendment that seeks to block national educational standards.

As I said in my State-of-the-Union Address, America needs educational standards -- not federal government standards, but national standards representing what all our students must know to succeed in the new knowledge economy. Every state and school must shape its curriculum to reflect these standards, and train teachers to lift students up to them. I have proposed that every state should test 4th graders in reading, and 8th graders in math, based on widely accepted national standards. These tests are already used to measure the performance of states; what we propose is that they measure the performance of every student, so parents can learn how their children are doing and how their own schools measure up. The Department of Education is already funding the development of these tests. Make no mistake: The proposed amendment would stop in its tracks this national, cooperative effort to develop meaningful tests.

Education is the key to our future, and national standards are the key to improving education. The proposed amendment would effectively block these national standards. It would set back the cause of education and damage the future of our children. It must not become law.

I am determined that all our young people will meet these new rigorous standards. That is why, for example, I am so pleased that the recent budget agreement funds our America Reads challenge, which would mobilize an army of 1 million volunteer tutors toward our goal of every 8 year old being able to read independently. We must press forward with other ongoing efforts to help our children learn the basics of reading and math, and I look forward to working with you in partnership toward these critical national goals. But above all, I will not allow our nation to come to a halt as we move toward effective national standards.

As you are also aware, I have made clear that I will veto this legislation if it includes the automatic continuing resolution provision contained in the senate passed bill. While I share the goal of ensuring that Congress does not shut the government down again, such a provision is inconsistent with our recent bipartisan budget agreement, and is clearly extraneous to this emergency disaster relief legislation.

In addition, members of my administration have informed you of other seriously objectionable provisions that must be addressed before this legislation reaches my desk.

This vital legislation contains \$5.6 billion in urgently needed disaster assistance funds for hundreds of thousands of victims of recent natural disasters in 33 states. These citizens should not be forced to wait. I urge you to pass strong disaster relief and international peacekeeping supplemental funding, without attaching unrelated and damaging provisions that can only set this legislation back.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 13:21:50.00

SUBJECT: Shays Hearing

TO: Eric P. Goosby (CN=Eric P. Goosby/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:

eric -- do you know about this?

----- Forwarded by Elena Kagan/OPD/EOP on 05/13/97 01:25
PM -----

Sylvia M. Mathews
05/13/97 09:05:53 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Shays Hearing

Are we OK for this hearing?

----- Forwarded by Sylvia M. Mathews/WHO/EOP on 05/13/97
09:04 AM -----

Anne E. McGuire
05/05/97 03:11:45 PM
Record Type: Record

To: Sylvia M. Mathews/WHO/EOP, Kathryn O. Higgins/WHO/EOP
cc: Ananias Blocker III/WHO/EOP, Elizabeth Drye/OPD/EOP, Rachel E.
Levinson/OSTP/EOP
Subject: Shays Hearing

FYI

Congressman Shays has scheduled a hearing for this Thursday regarding HHS and their informed consent procedures. Testifying for HHS will be Harold Varmus (NIH), David Satcher (CDC) and others. Shays will touch upon different studies, such as the recent news regarding ethical concerns raised by Public Citizen over the use of AZT.

The Committee will brief HHS later this week. At this time, HHS does not have major concerns with the hearing. However, they will watch it closely to report if it has any negative implications for the President's Tuskegee announcement scheduled for May 16.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 18:26:23.00

SUBJECT: Re: REVISED IDEA MATERIALS

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

READ:UNKNOWN

TEXT:

fyi. barry wants to issue the statement after house passage, and we agreed.

----- Forwarded by Elena Kagan/OPD/EOP on 05/13/97 06:29 PM -----

William R. Kincaid
05/13/97 02:57:20 PM
Record Type: Record

To: Barry J. Toiv/WHO/EOP
cc: Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP, Diana Fortuna/OPD/EOP, Lucia A. Wyman/WHO/EOP
Subject: Re: REVISED IDEA MATERIALS

I just spoke with folks at Education. They now expect the IDEA vote to come in a clump of votes in the House after 5 pm. In the Senate, it looks like the final vote may get pushed to tomorrow. Senators Gorton and Gordon Smith are each expected to offer amendments, which will then entail 2 hours of debate and a roll call vote. At least one of the amendments is likely to pertain to discipline. Neither is expected to derail the bill as a whole.

Bottom line--at the moment, it looks as if final passage in the Senate won't come until tomorrow, although the House will vote today. We will need to decide whether to hold off on the press release until both have voted.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 13:43:20.00

SUBJECT: Re: Same-Sex Domestic Partner Bennefits at the DNC

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

READ:UNKNOWN

TEXT:

fyi. richard just gave me draft talking points.

----- Forwarded by Elena Kagan/OPD/EOP on 05/13/97 01:46 PM -----

Richard Socarides

05/13/97 01:29:06 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: Same-Sex Domestic Partner Bennefits at the DNC

They are planning to announce it tomorrow. As a matter of policy, the decision, I understand, has already been made.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 09:18:49.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Dear [whomever]:

As America moves into the 21st Century, we must give our people the strongest education in the world. No other priority is more important for our nation. I will veto any legislation that would hinder our mission of raising standards and giving every American child a world-class education.

As I said in my State-of-the-Union Address, America needs educational standards -- not federal government standards, but national standards representing what all our students must know to succeed in the new knowledge economy. I have proposed that every state should test 4th graders in reading, and 8th graders in math, to make sure these standards are met. In recent months, we have worked with educators, parents, business and state officials to encourage states to adopt these standards throughout the nation. Our Department of Education has begun to work with these states, and will help them develop math and reading tests that will truly measure these skills. The proposed amendment would stop in its tracks this national, cooperative effort to develop meaningful tests.

Education is the key to our future, and national standards are the key to improving education. The proposed amendment would effectively block these national standards. It would set back the cause of education and damage the future of our children. I would veto it, without hesitation.

We must make sure that all our young people can meet these new rigorous standards. That is why, for example, I believe it is so important that the recent budget agreement funds our America Reads challenge, which would mobilize an army of 1 million volunteer tutors toward our goal of every 8 year old being able to read independently. We must press forward with other ongoing efforts to help our children learn the basics of reading and math, and I look forward to working with you in partnership toward these critical national goals. But above all, I will not allow our nation to come to a halt as we move toward effective national standards.

As you are also aware, I have made clear that I will veto this legislation if it includes the automatic continuing resolution provision contained in the senate passed bill. While I share the goal of ensuring that Congress does not shut the government down again, such a provision is inconsistent with our recent bipartisan budget agreement, and is clearly extraneous to this emergency disaster relief legislation.

In addition, members of my administration have informed you of other seriously objectionable provisions that must be addressed before this legislation reaches my desk.

This vital legislation contains \$5.6 billion in urgently needed disaster assistance funds for hundreds of thousands of victims of recent natural disasters in 33 states. These citizens should not be forced to wait. I urge you to pass strong disaster relief and international

peacekeeping supplemental funding, without attaching unrelated and damaging provisions that can only set this legislation back.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 13:21:27.00

SUBJECT: Re: Shays Hearing

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

TEXT:
we'll check it out.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-MAY-1997 18:29:58.00

SUBJECT: Re: Race for an Initiative

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

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

TEXT:
we generally do 80% policy to 20% communications?

May 14, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: RAHM EMANUEL
BRUCE REED
ELENA KAGAN

SUBJECT: UNIONIZATION OF SECRET SERVICE UNIFORMED DIVISION

You will meet tomorrow with Gil Gallegos and other officers of the Fraternal Order of Police (FOP). They may ask you, as they have before, whether you will amend an Executive Order to allow employees of the Secret Service Uniformed Division to unionize and engage in collective bargaining. This memo provides you with the arguments on each side of the issue, so you can decide how to respond to inquiries.

Before his departure, Jack Quinn conducted an extensive review of this issue and recommended changing the Executive Order in the way the Uniformed Division employees requested. The Department of Treasury is strongly opposed to this approach. We believe a sensible compromise proposal is available, but Treasury has rejected this compromise and we do not know how the Uniformed Division employees would greet it.

Background

Federal law gives the President authority to issue an order prohibiting the employees of any federal unit that "has as a primary function, intelligence, counterintelligence, investigative or national security work" from organizing and collective bargaining. Using this authority, President Carter issued Executive Order 12171, which precluded the Secret Service Uniformed Division from engaging in these activities. The E.O. also covered many other units in the Departments of Treasury, Defense, Justice, Transportation and Energy.

In March and May 1995, members of Congress (Reps. Trafficant, Frank, Conyers, and Torres) wrote to you requesting that you exempt the Secret Service Uniformed Division from the E.O., allowing employees of this division to unionize. The White House referred the letters to the Department of Treasury, which advised the Congressmen and two interested unions that national security concerns required the ban to remain in effect. In September 1995, Judge Mikva affirmed this determination, citing a policy of deference to the Treasury Department on matters relating to the security of the President and Vice President.

Last year, Jack Quinn received a letter from the Secret Service Uniformed Division Labor Committee of the FOP asking for reconsideration of this issue. The letter stated that "national

security concerns...are being used as a convenient way to deny the members of the Uniformed Division fundamental labor rights.” Quinn initiated discussions with Treasury Department officials and Uniformed Division employees.

In a September 1996 FOP questionnaire for presidential candidates, you referred to the controversy and stated: “To make a decision on this issue in as thoughtful and expeditious a manner as possible, I have asked my counsel . . . to look into the competing arguments, and present a recommendation to me.”

At a later meeting with the Executive Board of the FOP, you were careful not to commit yourself, but did express sympathy for the position of the Uniformed Division employees. The Wall Street Journal quoted you as saying at that meeting that “it would be the height of hypocrisy for me not to support [the right to unionize] for federal officers.” Members of the FOP left the meeting generally encouraged.

Quinn recommended before he left that the Administration grant the Uniformed Division employees’ request. Secretary Rubin, however, vehemently opposed this recommendation, and the matter did not come to you for decision.

As consideration of the issue has proceeded, Gallegos and employees of the Uniformed Division have accused Uniformed Division management of retaliating against union supporters. One incident resulted in a lawsuit brought by the officers alleging various constitutional violations. In addition, Gallegos has come under increasing pressure from his membership to move forward on this issue.

Department of Treasury Arguments

The Department of Treasury offers three reasons for opposing unionization. First, Treasury claims that the obligation to bargain will compromise security by decreasing management’s authority over such matters as the deployment and scheduling of officers and the selection of equipment. Treasury cites the decision to close off Pennsylvania Avenue to traffic as an example. That decision affected many employees’ schedules and work assignments. Without a union, the Division could take this action unilaterally; with a union, the Division might first have had to bargain about the proposed change, thereby losing flexibility and causing delay.

Second, Treasury argues that unionization will compromise security by forcing the disclosure of information during collective bargaining. Treasury notes that information about security procedures and techniques-- about postings, manpower allocations, equipment, and so forth-- is now provided on a “need to know” basis. If the Division were obligated to engage in collective bargaining, Treasury argues, it would have to provide such information to union members and officials and possibly to arbitrators.

Third, Treasury argues that exempting the Uniformed Division from the E.O. will place

the government on a slippery slope toward exempting other covered employees or eventually eliminating the E.O. Treasury is particularly concerned that if the Uniformed Division are free to unionize, then the special agents of the Secret Service, who directly protect you, the Vice President, and your families, will request identical treatment.

Uniformed Division Employees' Arguments

The argument in favor of allowing employees of the Uniformed Division to organize starts from a simple premise: this Administration is committed to safeguarding the rights of employees to organize and engage in collective bargaining. This commitment should be upheld unless there is a strong countervailing interest.

In considering whether such an interest exists, you should note that there is no danger that unionization will lead to work stoppages of essential employees. A federal statute makes it an unfair labor practice for a union to strike at any federal agency. This statute would apply to Uniformed Division personnel just as it does to other federal employees.

Although Treasury is right that the obligation to bargain will limit its unfettered authority over workplace decisions, it is not nearly so clear that this obligation will compromise security interests. With respect to a number of issues, such as benefits, the obligation to bargain will have little or no effect on security. With respect to more sensitive issues, bargaining often will not be required. Agencies can take certain actions involving hiring, assignments and the like -- actions implicating "management rights" -- without engaging in collective bargaining. If this authority is insufficient, Treasury can negotiate contract provisions giving it additional powers. And if even this is not enough, we can reserve still greater powers to Treasury through adoption of the compromise proposal discussed below.

Similarly, Treasury's concern about the disclosure of sensitive information seems overstated. The officers in the Uniformed Division already have most of this information -- or at least could obtain it if they all pooled their knowledge. Moreover, the Treasury Department could condition providing such data in collective bargaining on an agreement by the union to confidentiality requirements.

Finally, Treasury's "slippery slope" argument is subject to question. If exempting another unit from the E.O. would pose a greater danger to security than exempting the Uniformed Division, then the Administration should be able to justify continued coverage of that unit. For this reason, all four other agencies with covered employees declined to support Treasury's argument, stating that their employees could be distinguished from Uniformed Division personnel.

Finally, you should note that the Capitol Police do have a right to unionize as a result of the passage of the Congressional Accountability Act last year. The FOP and other unions are now bidding to represent these police officers.

Compromise Proposal

An alternative course is to amend the E.O. to allow Uniformed Division employees to unionize, but to give them fewer collective bargaining rights than other unionized federal employees have. This approach should not be difficult to accomplish. When you came into office, you signed an executive order requiring the agencies to bargain over certain subjects that they previously did not have to bargain over. In modifying the E.O. to allow unionization of Uniformed Division employees, you could make clear that the old rules apply to these employees. These rules would give the Treasury Department greater authority to act unilaterally -- without any consultation with the employees' union -- than federal agencies now have. It would go some way toward accommodating both the employees' desire for unionization and the agency's concerns about security.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-MAY-1997 19:49:39.00

SUBJECT: Re: Cops Accomplishments

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

READ:UNKNOWN

TEXT:

no problem; i'm ok.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-MAY-1997 08:06:44.00

SUBJECT: Re: Race for an Initiative

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

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

TEXT:

Just be glad you missed the ven diagram we heard about for two months.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-MAY-1997 08:07:56.00

SUBJECT: House Judiciary Committee Markup of Volunteer Liability Legislation

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 05/14/97 08:12
AM -----

PETER G. JACOBY
05/13/97 07:33:47 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: House Judiciary Committee Markup of Volunteer Liability
Legislation

The House Judiciary Committee reported out the volunteer liability legislation earlier this evening by a 20-7 vote. As expected, the Committee substituted the Senate-passed language for the underlying Porter legislation. The Committee adopted two amendments to the Senate language during consideration. The first amendment clarified that the bill is only applicable to those cases filed after the date of enactment. The second amendment, offered by Sheila Jackson Lee, ensures that any volunteer who works for an organization that commits hate crimes is not covered by the bill's liability limitations. Committee Democrats also offered amendments to highlight our concerns with the legislation including amendments to strike the state preemption language and the limit on joint and several liability. These amendments were not adopted.

Given that two amendments were adopted by the Committee, the measure now differs from the Senate bill. This means the bill must either return to the Senate (where the amended measure must be passed); sent into conference with the Senate (unlikely); or stripped of the amendments at the House Rules Committee and sent to the House for consideration in its original Senate-passed form. No indication yet as to which course of action will be pursued. FYI.

Message Sent

To: _____
Ellen S. Seidman/OPD/EOP
Elena Kagan/OPD/EOP
Tracey E. Thornton/WHO/EOP
Kathleen M. Wallman/WHO/EOP
William P. Marshall/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-MAY-1997 12:19:54.00

SUBJECT: Re:

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

TEXT:

thanks. keep looking into this. i'd rather leave the cap police out of the memo entirely if treasury will be able to come back at us and say that the officers who do what the unif div cops do are exempted.

May 14, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: RAHM EMANUEL
BRUCE REED
ELENA KAGAN

SUBJECT: UNIONIZATION OF SECRET SERVICE UNIFORMED DIVISION

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-MAY-1997 18:50:31.00

SUBJECT: May 20th Welf to Work event

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 05/14/97 06:54
PM -----

Sara M. Latham 05/14/97 05:10:18 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP, Marjorie Tarmey/WHO/EOP, Elena Kagan/OPD/EOP,
Laura Emmett/WHO/EOP
cc:
Subject: May 20th Welf to Work event

I had a call from Bill Samuel DOL about the Welfare to Work event - they raised concern that UPS and Sprint while participating, not be highlighted - on stage w/potus, or singled out in audience, as it will cause reverberations from both Bahr and Carey.

Could you let me know what the program is, thx.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-MAY-1997 14:29:12.00

SUBJECT: Re: No sex offenders directive tomorrow!

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

TEXT:
fantastic. you heard before I did.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 20:18:00.00

SUBJECT: Re: Final Fact Sheet for Tuskegee

TO: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

do we have q&a?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 18:03:06.00

SUBJECT: gq

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

READ:UNKNOWN

TEXT:

Is this still on? I think we were going to set up a time, and you were going to bring me some clips. Thanks much.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 18:08:26.00

SUBJECT: Volunteer Liability SAP

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

READ:UNKNOWN

TEXT:

fyi.

----- Forwarded by Elena Kagan/OPD/EOP on 05/15/97 06:11 PM -----

PETER G. JACOBY

05/15/97 12:05:55 PM

Record Type: Record

To: Ellen S. Seidman/OPD/EOP, Elena Kagan/OPD/EOP, Tracey E. Thornton/WHO/EOP, Kathleen M. Wallman/WHO/EOP

cc: Ingrid M. Schroeder/OMB/EOP

Subject: Volunteer Liability SAP

House Judiciary staff (R's and D's) expect the Volunteer Liability bill to be considered by the House on the suspension calendar next Tuesday, 5/20. Currently, the House is scheduled to consider the Judiciary Committee bill and not the Senate-passed version of the bill. In preparation for the House floor, I would suggest a SAP that is drafted to clearly distinguish this legislation from anything that we might face in a products bill.
Peter

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 12:02:20.00

SUBJECT: Re: TUSKEGEE AND MORGAN STATE TALKING POINTS -- For limited distribution

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

READ:UNKNOWN

TEXT:

We will NOT talk about race at 60% of our race initiative meetings and talk about race at 40%. On the other hand, we will talk about race at 60% of our race initiative conference and NOT talk about race at 40%. As for our commission...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 09:45:00.00

SUBJECT: satcher

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

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

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

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

TEXT:

I forget who asked about whether we could announce our intent to nominate Satcher, but the view from this office is that we definitely should not. He has done a lot of writing; some of it may be controversial; we are not finished reviewing it yet; and we are not prepared to start answering questions. All in all: we would be buying trouble..

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 19:12:45.00

SUBJECT: Re: Volunteer Liability SAP

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

READ:UNKNOWN

TEXT:

I'd expect no less. Really: thanks a lot.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 12:08:40.00

SUBJECT: Re: Volunteer Liability SAP

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

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

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

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

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

TEXT:
sounds right to me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 18:37:21.00

SUBJECT: Re: Report on increasing community involvement in research

TO: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

ok

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 10:11:44.00

SUBJECT: eeoc guidelines

TO: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Podesta says the President has expressed some skepticism about the new EEOC guidelines on accommodating workers with mental/psychological disabilities. Podesta says this is somewhat sensitive because Mrs. Gore has come out publicly in favor of the guidelines. Podesta suggested that we write a memo to him (not directly to the President) laying out the situation -- what the guidelines do, what the process was for issuing them, what is likely to happen now, and whatever else you think appropriate. Thanks much. By the way, in case you haven't dealt with the EEOC before, I've always found ellen vargas, the general counsel there, to be fairly helpful.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 17:23:43.00

SUBJECT: one last thing

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

READ:UNKNOWN

TEXT:

from this morning's meeting. Erskine asked for feedback on whether to have one or two meetings in the morning and/or on whether to take other steps to improve staff morale. I don't think he expects feedback from everyone, so if you have nothing to say on this important issue, I suspect that's fine.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 20:21:10.00

SUBJECT: Re: Final Fact Sheet for Tuskegee

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

TEXT:

and who's doing the briefing memo, and can i see a copy?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 10:07:50.00

SUBJECT: housing bill

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

TEXT:

Could you write up a brief description of the housing bill and our objections to it for the weekly? Thanks much.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 12:08:01.00

SUBJECT: petition to fcc

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

TEXT:

I don't think we can say anything much yet. I'd be noncommittal, but vaguely forward-leaning. Something like: "We're still reviewing the petition and don't yet have a view on how the FCC should respond. But it presents some interesting ideas, and we are giving it close consideration."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAY-1997 14:36:38.00

SUBJECT: Re: Volunteer Liability SAP

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

TEXT:

i'm not volunteering. sorry.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-MAY-1997 18:10:57.00

SUBJECT: Re: comment on talking points from DOL

TO: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

yes, good.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-MAY-1997 14:43:00.00

SUBJECT: budget agreement background materials

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

TEXT:

please print these out for me some time today.

----- Forwarded by Elena Kagan/OPD/EOP on 05/16/97 02:46
PM -----

Russell W. Horwitz
05/16/97 02:35:00 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: budget agreement background materials

Find attached a 4-page fact sheet outlining major components of the budget agreement, a one-page chart on the major savings and a 1-page summary of how the agreement fulfills our priorities and values (Rahm made me say that).

Message Sent

To: _____
Pauline M. Abernathy/OPD/EOP
Lori L. Anderson/WHO/EOP
Barry B. Anderson/OMB/EOP
Brenda M. Anders/WHO/EOP
Kenneth S. Apfel/OMB/EOP
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John Podesta/WHO/EOP

~~Automated Records Management System~~
~~Hex Dump Conversion~~

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Aviva Steinberg/WHO/EOP
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Dan Pink/OVP @ OVP
Jill M. Pizzuto/OMB/EOP
Joseph M. Wire/OMB/EOP
Lisa J. Levin/WHO/EOP
Nicholas B. Kirkhorn/WHO/EOP
Lynn G. Cutler/WHO/EOP
Christopher J. Lavery/WHO/EOP
Minyon Moore/WHO/EOP
Craig T. Smith/WHO/EOP
Karen E. Skelton/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
Virginia M. Terzano/OVP @ OVP
Lorraine A. Voles/OVP @ OVP
Roger V. Salazar/OVP @ OVP
Julia M. Payne/OVP @ OVP

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D69]MAIL49580653J.116 to ASCII,
The following is a HEX DUMP:

FF5750434E060000010A020100000002050000008B33000000020000B5D5FA67C8912630A9566D

FACT SHEET ON THE BUDGET AGREEMENT
May 16, 1997

DEFICIT REDUCTION

- **First balanced budget in a generation.** Budget balances by 2002 -- for the first time since 1969.
- **Finishes the job.** The 1993 Economic Plan has already reduced the deficit 77%, from \$290 billion in 1992 to an expected \$67 billion this year. This budget agreement finishes the job, balancing the budget by 2002 -- with \$204 billion in net budget savings over the next 5 years.
- **Keeps budget balanced through 2007.** The agreement will maintain budget balance until 2007, and save \$906 billion over the next 10 years.

CONSERVATIVE ASSUMPTIONS

- **Proven record on forecasts.** For four years in a row, growth has been higher and the deficit has been lower than predicted. For example, CBO predicted growth for 1996 of 2.0 percent and the Administration predicted 2.2 percent. Actual growth was 2.4 percent. CBO forecast a deficit of \$197 billion, and the Administration forecast a deficit of \$211 billion. The actual deficit was \$107 billion.
- **Conservative assumptions.** The assumptions used in this agreement are similarly conservative. The real growth assumption over the next 5 years (2.2 percent per year), for example, is lower than the Blue Chip private sector consensus (2.3 percent). It is intended to reflect average growth over different stages of the business cycle. Since 1973, over several business cycles, growth has averaged 2.6 percent per year.
- **80% of the \$225 billion in additional CBO revenue either already assumed or used for deficit reduction.** The majority of the \$225 billion adjustment had already been assumed in the budget negotiations.

DISCRETIONARY SPENDING

- **Budget agreement achieves 99% of the President's budget for non-defense discretionary spending over the next 5 years.** \$61 billion of savings in non-defense discretionary outlays over the next 5 years -- a 10% real cut by 2002. \$77 billion of savings in defense spending over the next 5 years -- an 11% real cut by 2002.

TAX CUTS

- **\$85 billion in net tax cuts.** \$85 billion in net tax cuts over the next 5 years and \$250 billion in net tax cuts over the next 10 years.
- **\$35 billion for the President's education tax proposals.** The agreement includes a commitment to provide roughly \$35 billion over 5 years for post-secondary education, including a deduction and tax credit.
- **Other commitments.** The agreement commits the House and Senate Leadership to seek approval of various proposals, including:
 - \$500 per child tax credit
 - The welfare-to-work tax credit
 - Capital gains tax relief for home sales
 - The Administration's EZ/EC proposals
 - Tax relief for brownfields legislation
 - Tax relief for FSC software
 - Tax incentives to spur DC growth

ENTITLEMENT SAVINGS

- **Extends life of Medicare Trust Fund for more than a decade.** Contains Medicare savings of \$115 billion over 5 years including payment reductions and long overdue structural reforms, extending the life of the Trust Fund for at least a decade. Helps protect the Medicare Part A Trust Fund by reallocating a portion of home health care costs to Part B and phasing in these costs over 7 years into the Part B premium.
- **Modernizes Medicare.** Modernizes Medicare by:
 - Increasing the number of health plan options such as preferred provider organizations and provider sponsored organizations;
 - Implementing a new prospective payment system for skilled nursing home facilities, home health, and hospital outpatient departments; and
 - Increasing financial incentives for managed care plans in rural communities.
- **New Medicare improvements.** Establishing new benefits including: helping detect breast cancer, colon cancer, and helping manage diabetes; and reducing excessively high outpatient hospital coinsurance.
- **Reforms Medicaid while maintaining Federal guarantee.** Medicaid savings of \$13.6 billion through reductions in DSH payments and increased state flexibility, while maintaining the Federal guarantee. Setting aside \$1.5 billion for low-income protections to help ease the impact of Medicare premiums.

CHILDREN'S HEALTH CARE

- Invests \$16 billion to expand health care coverage to as many as 5 million children through one or both of the following: expanding Medicaid coverage by improving outreach initiatives and adding new options for coverage and/or a capped mandatory grant program.

EDUCATION

- **Largest increase in education investment in 30 years.**
- **Fully Funds Education and Training.** Adopts the President's FY 1998 request for discretionary education and training programs.
- **Higher Education Tax Cuts.** Provides roughly \$35 billion over five years for postsecondary education tax cuts consistent with the President's HOPE Scholarship and tax deduction proposals.
- **Largest Pell Grant Expansion in Two Decades.** Increases the maximum Pell Grant for low-income college students to \$3,000 -- the largest increase in two decades. Provides a \$1.7 billion increase in funding -- a 25% increase in FY 1998.
- **America Reads Challenge.** Adopts the President's budget request to launch a child literacy initiative consistent with his America Reads program.

WELFARE TO WORK

- **Fully funds the President's welfare-to-work jobs initiative.** Adds \$3 billion, the full amount requested by the President for the Welfare-to-Work Jobs Challenge, to the TANF block grant to fund welfare-to-work efforts in high-poverty, high-unemployment areas. A share of the funding will go to cities and counties with large numbers of people in poverty.
- **Preserves food stamps for people willing to work.** Provides \$750 million to create additional work slots for able-bodied unemployed childless adults subject to the time limit on food stamps. Also allows States to exempt a limited number of persons falling into this category who are willing to work but would otherwise be ineligible for food stamps.
- **Welfare-to-work tax credit.** The President and the Congressional leadership have agreed to seek a welfare to work tax credit to encourage employers to give welfare recipients the chance to work.

RESTORING BENEFITS TO LEGAL IMMIGRANTS

- **Benefits for legal immigrants.** Restores full SSI and Medicaid benefits for disabled legal immigrants currently receiving assistance; and for legal immigrants in the country prior to August 23, 1996 who are not now receiving benefits but subsequently become disabled.

ENVIRONMENT

- **EPA operations, enforcement, and research.** Provides a 9 percent increase, to \$3.4 billion, for EPA's operating program -- which finances most of EPA's research, enforcement, and regulatory programs.
- **Doubles the pace of Superfund cleanups.** Pending agreement on detailed policies, adopts the President's proposals for Superfund cleanups of an additional 500 sites by the end of the year 2000.
- **Brownfields initiative.** Boosts funding by \$75 million in 1998 to provide grants to communities for site assessment and development planning and to leverage state, local, and private funds to foster redevelopment.
- **National Parks.** Provides a 6 percent increase for operation of the National Parks, and an 89 percent increase (\$234 million) for Everglades Restoration.

Summary of Budget Savings

President Clinton has achieved a balanced budget agreement that provides funding for critical investments in education, health care, and the environment while strengthening and modernizing Medicare and Medicaid -- just as he promised last year. We have cut the deficit 77% -- from \$290 billion in 1992 to an expected \$67 billion this year. This historic achievement will finish the job, giving the American people the first balanced budget in a generation, while meeting the President's goals:

- *The First Balanced Budget in a Generation.*
- *Saves over \$200 Billion over 5 Years & over \$900 Billion over 10 Years.*
- *Largest Increase in Education Funding in 30 Years - including \$35 billion in tax cuts to make college more affordable.*
- *Entitlement Savings of Nearly a Half Trillion Dollars over 10 Years.*
- *Strengthens and Modernizes Medicare -- extending the life of the Trust Fund more than a decade through long overdue structural reforms.*
- *Expanded Health Coverage for as many as 5 Million Children.*

BUDGET AGREEMENT SAVINGS		
AREA	5 Year Savings 1998-2002 (\$ billion)	10 Year Savings 1998-2007 (\$ billion)
<i>Discretionary Spending</i>		
<i>Defense</i>	-77	-247
<i>Nondefense</i>	-61	-273
<i>Subtotal</i>	-138	-520
<i>Mandatory Spending</i>		
<i>Medicare</i>	-115	-434
<i>Medicaid</i>	-14	-66
<i>Other</i>	-40	-60
<i>Subtotal</i>	-168	-560
<i>Net Interest</i>	-14	-142
<i>Gross Savings</i>	-320	-1,221
<i>Initiatives</i>		
<i>Children's Health</i>	16	39
<i>Welfare Reform</i>	14	23
<i>Tax Cut</i>	85	250

<i>Net Savings</i>	-204	-906
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President Delivers First Balanced Budget Agreement in a Generation Historic Agreement Promotes the Country's Values and Priorities

May 16, 1997

President Clinton has achieved a balanced budget agreement that promotes our values, providing critical funding for education, health care, and the environment while strengthening and modernizing Medicare and Medicaid. We have cut the deficit by 77%, from \$290 billion in 1992 to roughly \$67 billion this year. This historic achievement will finish the job, while meeting the President's goals.

GOAL: To achieve the first balanced budget in a generation.

- Budget balances by 2002 -- for the first time since 1969.
- Saves over \$200 billion over five years and over \$900 billion over ten years.

GOAL: To ensure that every 8 year-old can read, every 12 year-old can log on to the Internet, and every 18 year-old can go to college.

- A child literacy initiative consistent with the President's America Reads challenge to help children learn to read well and independently by the end of the third grade.
- Expands Head Start to 1998 level in the President's budget, which assumes path to one million kids in 2002.
- Fully funds Technology Literacy Challenge Fund with at least \$425 million in FY 98.
- Largest single increase in higher education since the G.I. Bill in 1945.
- Provides largest Pell Grant increase in two decades -- four million students could receive a grant of up to \$3,000, an increase of \$300 in the maximum grant.
- \$35 billion of tax cuts targeted to higher education to make college more affordable for America's families, consistent with the President's HOPE Scholarship and tuition tax deduction.
- Adopts President's full training and employment budget, including Job Corps.

GOAL: Expand health coverage for as many as 5 million uninsured children.

- Provides \$16 billion for children's health care, including Medicaid improvements and investments, and/or a new capped mandatory grant program that supplements states' efforts to cover uninsured children in working families.

GOAL: Secure and strengthen Medicare and Medicaid.

- Extends the Medicare Trust Fund at least a decade through long overdue structural reforms.
- Expands coverage of critical preventive treatments of diseases such as diabetes and helps detect breast cancer and colon cancer earlier.
- Preserves the federal Medicaid guarantee of coverage to our nation's most vulnerable people.

GOAL: Strengthen environmental protection and enforcement.

- Provides \$3.4 billion in 1998 -- a 9% increase over 1997 -- for EPA operations, research, and enforcement programs to protect public health from environmental threats.
- Provides funding to cover the expansion of the Brownfield Redevelopment Initiative to help communities cleanup and redevelop contaminated areas.
- Likely to double the pace of Superfund cleanups -- 500 additional sites cleaned up by the end of 2000.

GOAL: Move people from welfare to work and treat legal immigrants fairly.

- A Welfare-to-Work tax credit to help long-term welfare recipients to get jobs.
- Provides funding to preserve food stamp benefits for people willing to work.
- Provides \$3 billion to states and localities to move recipients in disadvantaged areas into jobs.
- Restores \$10 billion in disability and health benefits for legal immigrants.

GOAL: Cut taxes for America's hard working families.

- A Child Tax Credit to make it easier for families to raise their kids.
 - \$35 billion of tax cuts targeted to higher education to make college more affordable
 - A Welfare-to-Work tax credit to help long-term welfare recipients get jobs.
 - Establishes additional Empowerment Zones and Enterprise Communities.
- Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-MAY-1997 14:42:27.00

SUBJECT:

TO: WEINSTEIN_P (WEINSTEIN_P @ A1 @ CD @ LINGTWY [UNKNOWN]) (OPD)
READ:UNKNOWN

TEXT:

can you? if not, just let me know.

----- Forwarded by Elena Kagan/OPD/EOP on 05/16/97 02:45 PM -----

Michelle Crisci

05/16/97 02:03:22 PM

Record Type: Record

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

cc:

Subject:

Rahm and Gene will hold a budget roll out meeting today at 4:15 in the Ward Room.-Michelle 62531/Melissa 65804

Message Sent

- To: _____
- Melissa Green/OPD/EOP
 - Victoria Radd/WHO/EOP
 - Elizabeth R. Newman/WHO/EOP
 - Rebecca R. Culberson/OMB/EOP
 - Kathryn O. Higgins/WHO/EOP
 - Elizabeth M. Toohey/WHO/EOP
 - Anne E. McGuire/WHO/EOP
 - Jake Siewert/OPD/EOP
 - Peter R. Orszag/OPD/EOP
 - Charles R. Marr/OPD/EOP
 - John O. Sutton/WHO/EOP
 - Ann F. Lewis/WHO/EOP
 - Kevin S. Moran/WHO/EOP
 - Alison E. Bracewell/WHO/EOP
 - Virginia M. Terzano/OVP @ OVP
 - Christopher C. Jennings/OPD/EOP
 - Elena Kagan/OPD/EOP
 - Laura Emmett/WHO/EOP
 - Kenneth S. Apfel/OMB/EOP
 - Julia R. Green/WHO/EOP
 - Beverly J. Barnes/WHO/EOP
 - Stacey L. Rubin/WHO/EOP
 - Craig T. Smith/WHO/EOP
 - Jonathan A. Kaplan/OPD/EOP
 - Lori L. Anderson/WHO/EOP
 - Barry J. Toiv/WHO/EOP
 - Michele Jolin/CEA/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-MAY-1997 18:12:56.00

SUBJECT: Re: meeting

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

TEXT:

yes, thanks. and could we please ask diana too?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-MAY-1997 11:02:25.00

SUBJECT: Re: Weekly Report

TO: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-MAY-1997 14:53:01.00

SUBJECT: Re: Distilled Spirits Council meeting

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

TEXT:
yes, and on mine too (call laura emmett). thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-MAY-1997 18:12:36.00

SUBJECT: meeting

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

TEXT:

please schedule this.

----- Forwarded by Elena Kagan/OPD/EOP on 05/16/97 06:15
PM -----

Jill M. Pizzuto
05/16/97 05:19:17 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Cathy R. Mays/OPD/EOP
Subject: meeting

Elena:

please see the note below re: a meeting on 5/29 w/ Mathews & Eunice Shriver. Cathy tells me that Bruce is away that week. Ken would like you to attend, if possible and noted that you may want to bring Diana too.

if you have any questions, please call Ken.

thanks.

----- Forwarded by Jill M. Pizzuto/OMB/EOP on 05/16/97
05:19 PM -----

Jill M. Pizzuto
05/16/97 03:17:10 PM
Record Type: Record

To: Cathy R. Mays/OPD/EOP
cc:
Subject: meeting

Cathy:

Sylvia Mathews had called re: a meeting that she wanted to set up between Eunice Shriver, Sylvia & Frank Raines re: SSI kids. The date for the meeting, one of the only that Eunice is available for which Sylvia is making work on her calendar as well, is scheduled for THURSDAY, MAY 29 @ 11:00am in Sylvia's office.

Ken thinks that Bruce should attend - and might want to include Diana - but Bruce b/c of the level.

Please let me know if Bruce will attend. If there are any questions, Bruce should call Ken.

thanks.

Talking Points on FLSA

5/16/97; 2:20 p.m.

- The Labor Department has concluded that the Fair Labor Standards Act (FLSA) applies to welfare recipients in workfare or other subsidized employment programs in the same way as that law applies to all other employees.
- This means that many, if not most, welfare recipients in these programs will receive at least the minimum wage for their work activities.
- Welfare recipients in these programs will not have to be paid the minimum wage if they fall within the FLSA's exception for "trainees." Some states will probably try to structure their workfare programs so that recipients fall within the "trainee" exception.
- In most cases in which the minimum wage is required, both cash assistance and food stamps will count toward the minimum wage. The Department of Agriculture will take necessary administrative action to ensure that food stamps can be counted to the greatest degree possible.
- This will not affect the work requirements of the welfare law. States will still be able to meet those requirements, by placing people in private sector jobs (where the minimum wage already applies) and in workfare programs. With both cash assistance and food stamps counting toward the minimum wage, very few states will have to increase their assistance payments. In fact, every state but one (Mississippi) can comply with the welfare law's current work requirements (now 20 hours per week for a welfare recipient) and pay minimum wage without increasing their current benefit level.
- Far from undermining the welfare law, paying welfare recipients the minimum wage required by the law promotes the goals of welfare reform by giving people the ability to support their families and break the cycle of dependency.
- The Labor Department will provide guidance within the next week or two on the specifics of this policy and will engage in extensive consultation with states on how to apply this policy with the least disruption.
- The Treasury Department is still exploring how the tax laws apply to welfare recipients in workfare programs. We hope to be able to give states an answer to that question very shortly.

Q&A

Question: Won't this end welfare reform as we know it by making work more expensive?

Answer: Not at all. With both TANF and food stamps counting toward the minimum wage, every state except Mississippi will be able to give welfare recipients workfare slots for 20 hours each week (the welfare law's current work requirement) without raising their benefit levels. And of course states should be trying to place welfare recipients in private sector jobs where the minimum wage already applies.

Question: Are most welfare recipients who are working going to be considered "employees"?

Answer: Most welfare recipients participating in the work activities described in the new welfare law probably will count as "employees," entitled to the minimum wage, under the FLSA. But some individuals, engaged in such activities as job search, vocational education, and secondary school, may count as "trainees" instead. The Labor Department will advise states on how the FLSA applies to particular programs and individuals engaged in them.

Question: What's the difference between a trainee and a worker under FLSA?

Answer: An individual is in training if:

- Training is similar to that given in a vocational school;
- Training is for the benefit of the trainee;
- Trainees do not displace regular workers;
- The employer derives no immediate advantage from the trainees' activities;
- Trainees are not entitled to a job after training is completed; or
- The employer and trainee understand that the trainee is not paid.

Question: Can Food Stamps count as wages?

Answer: We believe that through waivers or other mechanisms such as the Simplified Food Program option now in law, states will be able to count food stamps toward the minimum wage for all those required to work under the new welfare law.

Question: Does this mean welfare recipients in workfare and other subsidized employment programs can unionize?

Answer: No -- that is a different question entirely. Whether and when workers can unionize is a function of the National Labor Relations Act. The National Labor Relations Board, an independent entity that administers that Act, has not ruled on the unionization question.

Question: Would the Administration support or oppose legislation to exempt welfare recipients from the minimum wage laws?

Answer: We would oppose legislation that flatly exempts welfare recipients from the minimum wage law. The Administration believes that people who work should be paid at least the minimum wage.

Question: Would you oppose any legislation addressing this issue?

Answer: Not necessarily, but any legislation would have to be consistent with our support for the minimum wage. In determining how the minimum wage law applies to workfare, the Administration has had to address a host of technical issues that Congress did not deal with in passing the welfare law. If Congress wants to address these issues, the Administration will consider the proposals carefully. But any legislation must reflect the Administration's position that people who work should be paid at least the minimum wage.

Talking Points on FLSA

5/16/97

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