

**NLWJC - KAGAN**

**EMAILS CREATED**

**ARMS - BOX 006 - FOLDER 002**

**[7/23/1998 - 8/22/1998]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Laura Emmett re: party (3 pages)	08/04/1998	Personal Misfile

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System [Email]  
OPD ([From Elena Kagan])  
OA/Box Number: 500000

### FOLDER TITLE:

[7/23/1998 - 8/22/1998]

2009-1006-F

ry939

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JUL-1998 19:20:04.00

SUBJECT: Re: Bill Marshall tried to talk to Marvin, but Marvin...

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS\_EXT:[MESSAGE.D84]MAIL43431301L.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JUL-1998 11:58:11.00

SUBJECT: from fred duval

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS\_EXT:[MESSAGE.D77]MAIL48956501S.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 14:02:53.00

SUBJECT: title ix harassmnet fix

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

TEXT:

what have you found out about what doj is doing with respect to this issue  
(NOT the abortion/Title IX issue, but the harassmnet/Title IX issue I  
asked you about)?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 12:32:31.00

SUBJECT: herman memo

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS\_EXT:[MESSAGE.D92]MAIL45283211G.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 13:47:46.00

SUBJECT: Re: DC charter schools

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

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

TEXT:

Thanks for this memo; it's very helpful. I agree with you on just about everything, and think only options 1-3 make any sense. I'll drop an e-mail to jack making sure he knows of our interest in this subject and asking whether he has managed to get through to rivlin. is sounds as if we should probably have another meeting shortly.

Jonathan H. Schnur  
07/24/98 11:12:48 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Michael Cohen/OPD/EOP, Neera Tanden/WHO/EOP  
Subject: DC charter schools

Elena --

I wanted to give you an update on what has happened in the past 24 hours on DC charter schools.

House action in subcommittee today on the DC appropriations bill. The subcommittee mark fully funded charter schools -- increasing the charter school line item from \$12 million to \$32 million -- by cutting the same amount from the DC public school system. However, according to OMB, Congressman Moran spoke in the mark-up about the need to fully fund charter schools and the rest of the DC public school system. Congressman Taylor, the subcommittee chair, supposedly agreed to take this approach in the mark-up of the bill in full committee next Thursday. Taylor apparently said the additional funding would come out of the federal payment to DC -- a payment used for other purposes in the Senate but most of which Taylor had not planned to appropriate to DC at all. Moreover, Livingston also attended the mark-up and apparently made a supportive statement about this approach. This is obviously better news than expected, though I don't think we can't be certain that this agreement will hold -- particularly given that the Taylor's subcommittee took the wrong approach by cutting funds from the DC school system to fully fund the charter schools.

Rumors of Senate Action on the floor last night. Last night about 8:30 pm, we got word that the DC appropriations bill was possibly going to be brought to the floor of the Senate last night or this morning. OMB sent us a SAP to review including language on the charter school issue and a likely voucher amendment. Surprised that the bill was coming to the floor so quickly, Neera and I got a number of people on the line to assess the

situation in the Senate on the bill and on the status of the charter school issue. In a conference call with OMB (Carol Thompson Cole, Janie Jeffers, and Roz Rettman) and eventually Control Board staff (Tim Leath), we discussed the charter school issue but soon learned that the bill was not going to the floor of the Senate until next week...probably later next week. Therefore, the SAP did not need to be sent last night, though it may need to be sent early next week.

Last night's conference call -- more information on the Control Board's and Senate's preliminary positions. Control Board staff indicated that the Board's efforts this week have been focused primarily on getting very broad authority to transfer funding from one portion of their budget to another -- an approach with many benefits to the Control Board, only one of which is making it possible to transfer funding into the charter school line item. The Senate apparently was -- not surprisingly -- reluctant to provide such broad transfer authority.

The control board staff also indicated that the Senate was considering two options for addressing the charter school issue in a Manager's amendment to the appropriations bill. The first option was to take funding from the DC surplus to fully fund the charter schools. The second option was simply to direct the Control Board to fully fund charter schools. Under the second option -- unless further steps were taken in the House or in conference to provide the Control Board additional transfer authority -- the Control Board would be forced to increase funding for charter schools at the expense of other items in DC's education account. (This account includes the DC public school system, UDC, and libraries.)

When Control Board staff expressed to us concerns with both of these options, we outlined another option -- providing the Control Board specific authority to transfer funding from anywhere in the DC budget into the education account for charter schools. The staffer said he couldn't speak for the Control Board but that his recommendation to the Board would be that they notask Senate staff to take this approach. He implied that Senate adoption of this option now could jeopardize the Board's attempts to secure broader transfer authority -- essentially, he implied that he didn't want to lose one of his strongest arguments for a broad transfer authority simply in order to fix the charter school issue now. He said it might be easier to support more specific transfer authority once the bill is in conference -- apparently if the Board has given up at that point on getting the broader authority. Finally, the staffer did say that he understood the need for the Control Board to publicly state its intention to fully fund charter schools.

OMB calls to Alice Rivlin. After the call, Mike Cohen, Neera and I spoke about next steps. Carol Thompson Cole had said she would call Alice Rivlin, but we agreed that a higher-level call to Rivlin was important. Melanne called Jack Lew this morning to ask him to call Alice Rivlin to ask for two things:

- 1) for the Control Board to support an alternative in the Senate that would make it possible to fully fund charter schools without taking the funding from the DC public school system -- by granting the Control Board specific authority to transfer funding from anywhere in the DC budget into the education account for charter schools. (We also could ask the Control Board if it could quietly tolerate cuts in other programs to fully fund the charter schools)

- 2) for the Control Board to make a public statement -- at the appropriate point in the near future -- about its desire to fully fund charter schools without taking funds away from the DC public school system.

I don't believe that Jack Lew and Alice Rivlin spoke today, but I have not

been able to confirm that. I will let you know anything more as soon as I find out.

Next steps. Here's my best sense of next steps for Monday. What do you think?

1) Find out what the Control Board's position is on this. If Jack Lew does not speak to Alice Rivlin, I think we need to identify another way to do this quickly. Their position should affect the approach we take.  
2) Convene another meeting to discuss the situation. Determine best option to pursue. This clearly needs further discussion, but here's my best sense of possible options: (I think option 1 is probably the most desirable. According to Control Board staff, options 2 and 4 are currently being considered by Senate staff. Option 5 seems to be the current Control Board strategy.)

OPTION 1 -- Support a Senate amendment granting the Board specific authority to transfer funding from anywhere in the DC budget into the education account in order to fully fund charter schools. This may make the most sense if A) the Control Board is willing to work with us to include this in the Senate bill and B) commit to using this authority to fully fund charter schools without significantly cutting the DC public school system. It may be hard to get the Senate to include this without Control Board support.

OPTION 2 -- Support a Senate amendment to take funding from the surplus in order to fully fund charter schools. This may make the most sense if the Control Board is unwilling to work with us, given problems with the following options. But OMB may well have serious concerns about this, given OMB's and the Control Board's past opposition to this.

OPTION 3 -- Identify cuts in other DC programs (outside of the education account) in order to fully fund charter schools, and get the Senate to include these recommendations in Senate amendment.

OPTION 4 -- Support Senate amendment directing Control Board to fully fund charter schools. Absent any new authority for the Control Board to allocate funds to charter schools from outside the education account, this would force the Control Board to support charter schools by cutting the DC public school system. Support for this approach doesn't seem to make sense -- given that the only way to fully fund charter schools and the DC public school system under this approach would be to rely on getting the right transfer authority in conference.

OPTION 5 -- Do nothing in the Senate. (We could still encourage the House committee to honor the apparent commitments made today by Taylor and fully fund charter schools and the DC public school system -- taking money from the federal payment that had not been fully allocated in the subcommittee mark-up. Push for the House position or the right fix in conference. But it seems like a very risky strategy to rely on the House for DC appropriations issues.)

OPTION 6 -- Encourage the Senate to include language expressing an interest in fully funding all public schools -- including charter schools -- without a specific fix. This perhaps could help leave the door open to negotiations in conference.

3) Agree on language for a SAP that reflects our decision -- or that is general enough to cover the options that we are still considering.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 17:18:29.00

SUBJECT: Re: Country of Origin Labeling

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

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

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

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

TEXT:

Produce too, I think. What you're suggesting sounds right. I suspect that after you do some groundwork, we will have to hold a meeting at a higher level (deputies and/or principals) to make a decision. I'd be surprised if USTR didn't put up a fight.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 17:14:47.00

SUBJECT: Movement on Biomaterials Bill

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

TEXT:

fyi

----- Forwarded by Elena Kagan/OPD/EOP on 07/26/98 05:24  
PM -----

Sarah Rosen

07/23/98 01:06:29 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: Movement on Biomaterials Bill

Note: Reply requested by COB Friday, if possible. House floor action possible next Tuesday.

The House may take up a stand-alone biomaterials bill on the suspension calendar next Tuesday or the following Tuesday. Senator Lieberman's office tells me that the Senator hopes to have the Senate take up the House version directly, thus avoiding a conference. As a result, Senator Lieberman wants to make sure that the Administration is comfortable with the version that will be adopted by the House and asked us for any comments.

Before the House Commerce and Judiciary Committees reported out their stand-alone biomaterials bill, majority and minority staff, along representatives of the Health Industry Manufacturers Association (the principal biomaterials bill proponent) and the Association of Trial Lawyers of America made significant, technical drafting changes to the Senate version. Senator Lieberman's office has asked us to review those changes and let them know whether or not we would object to the bill as rewritten. (Note: The House bill does not include the Baxter amendment.)

Fran Allegra (DoJ) and I have closely reviewed the rewrite. The changes clearly are motivated by an intent to clarify and improve the drafting of the biomaterials provision and almost all are changes to which we are indifferent or which we consider technical improvements.

Two changes are substantive but seem reasonable. The first would authorize the court to stay proceedings while the Secretary of HHS considers a petition to declare that the supplier was required to register the implant with the Secretary or include it on a list of devices filed with the Secretary, and thus can be found liable as a manufacturer notwithstanding the protection in the bill. As a practical matter, a court would be likely issue such a stay. This change just provides clear authority. (In addition, at our request on behalf of HHS, the time provided for the Secretary to make that declaration has been extended from 45 to 120 days.)

The second change limits the liability protection provided by the bill by allowing a supplier to be held liable as a seller, not only where the supplier acts expressly as a seller, but also where its acts effectively as a seller, but by closing in escrow and acting under contract with the manufacturer, avoid legal status as a seller. This provision was added by House counsel because of fear that biomaterials suppliers, who are also sellers, would find creative ways to avoid liability. HIMA reluctantly agreed to the change.

There were a few changes that raised new technical drafting issues. We provided the Hill staff with a list and they have tentatively agreed to all our further edits, subject to final review. We should hear back shortly. The staff plan to offer an amendment, including the technical changes we requested, as the bill is brought up on the suspension calendar next Tuesday or the Tuesday thereafter.

We have not said that the Administration supports this biomaterials bill, although last week we told Senator Lieberman that we would not object if biomaterials moved separately, so long as Senator Rockefeller did not object. (He has said that he does not.) When it comes up on the House floor, we will be asked to say officially whether we support this biomaterials bill. I assume that, if all our technical concerns are met, the answer is yes (or at least we have no objection), but please let me know by close of business Friday your views.

If you would like to receive a copy of the House bill, please let me know.

Thank you.

Message Sent

To: \_\_\_\_\_  
Gene B. Sperling/OPD/EOP  
Sally Katzen/OPD/EOP  
John Podesta/WHO/EOP  
Bruce R. Lindsey/WHO/EOP  
Charles W. Burson/OVP @ OVP  
David W. Beier/OVP @ OVP  
Lawrence J. Stein/WHO/EOP  
Peter G. Jacoby/WHO/EOP  
Michael Deich/OMB/EOP  
Elena Kagan/OPD/EOP  
WEINSTEIN\_P @ A1@CD@VAXGTWY @ VAXGTWY

Message Copied

To: \_\_\_\_\_  
Melissa G. Green/OPD/EOP  
/WHO/EOP  
Shannon Mason/OPD/EOP  
Dawn L. Smalls/WHO/EOP  
Melissa M. Murray/WHO/EOP  
Jessica L. Gibson/WHO/EOP  
Marjorie Tarmey/WHO/EOP  
Theodore Wartell/OMB/EOP  
Patricia E. Romani/OMB/EOP  
Jonathan A. Kaplan/OPD/EOP  
Jake Siewert/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 15:30:39.00

SUBJECT: Re: new draft memo

TO: Michael Deich ( CN=Michael Deich/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Tons better; this draft looks great to me. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 15:31:27.00

SUBJECT: naturalization memo

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

READ:UNKNOWN

TEXT:

Unable to convert ARMS\_EXT:[MESSAGE.D78]MAIL41754211F.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 13:03:46.00

SUBJECT: Re: Senior Crime Ideas

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

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

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

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

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

TEXT:

What about enhanced penalties for other than telemarketing crimes? What's in the federal code now, and what's missing?

Another possibility is to do a directive to the AG referring to some of the ideas you mention -- both on telemarketing fraud and on other crimes -- but retaining sufficient flexibility that we can fill in the details and make additions or subtractions later. I don't think we need to have everything nailed down to make this work; asking the ag to come up with an action plan (say within 60 days) on protecting the elderly against crime, which addresses (among other things) the proposals you mention, might seem sufficiently substantive.

What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 13:26:44.00

SUBJECT: ets decision

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

TEXT:  
when is doj going to decide on an appeal?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 13:36:18.00

SUBJECT: country of origin labeling

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

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

TEXT:

Are any of the agencies pressing us to oppose this provision in conference? do you have a sense that ustr and usda are already up on the hill lobbying against it?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JUL-1998 13:52:42.00

SUBJECT: DC charter schools

TO: Jacob J. Lew ( CN=Jacob J. Lew/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

TEXT:

Unable to convert ARMS\_EXT:[MESSAGE.D92]MAIL44304211M.226  
The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:28:29.00

SUBJECT: RECEIVED: Need Clearance: Transportation Senate Floor SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Need Clearance: Transportation Senate Floor SAP

was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

07/23/98 10:58:20 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:28:35.00

SUBJECT: RECEIVED: URGENT: DC Appropriations Letter

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT: DC Appropriations Letter  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/20/98 08:21:32 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:28:33.00

SUBJECT: RECEIVED: Need clearance: Vacancies Letter

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
Need clearance: Vacancies Letter  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/21/98 07:49:30 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:28:34.00

SUBJECT: RECEIVED: URGENT: Interior FY99 Appropriations SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT: Interior FY99 Appropriations SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/21/98 07:28:42 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:28:26.00

SUBJECT: RECEIVED: C/J/S APPROPS HOUSE FLOOR SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
C/J/S APPROPS HOUSE FLOOR SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/24/98 11:58:38 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:28:27.00

SUBJECT: RECEIVED: URGENT DC APPROPS SENATE SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT DC APPROPS SENATE SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/24/98 11:56:39 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 20:16:53.00

SUBJECT: RECEIVED: URGENT: SENATE TREASURY/POSTAL SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT: SENATE TREASURY/POSTAL SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/27/98 08:11:56 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 27-JUL-1998 13:12:51.00

SUBJECT: RECEIVED: URGENT: TRANSPORTATION HOUSE RULES SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ: UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT: TRANSPORTATION HOUSE RULES SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/27/98 01:15:45 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 20:16:54.00

SUBJECT: RECEIVED: Draft Energy & Water Conferees Letter

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP.[ OMB ] )

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Draft Energy & Water Conferees Letter

was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

07/27/98 08:10:49 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:56:14.00

SUBJECT: RECEIVED: COMMENTS DUE ASAP on SSA (Barnes) Testimony on "Official Time" for HWM

TO: Melinda D. Haskins ( CN=Melinda D. Haskins/OU=OMB/O=EOP [ OMB ] )

READ:UNKNOWN

TEXT:

Unable to convert ARMS\_EXT:[MESSAGE.D65]MAIL42718511A.226

The following is a HEX dump of the file:

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:28:36.00

SUBJECT: RECEIVED: URGENT: C/J/S SENATE FLOOR SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT: C/J/S SENATE FLOOR SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/20/98 06:19:31 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:28:28.00

SUBJECT: RECEIVED: URGENT: FOREIGN OPERATIONS SENATE FLOOR SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT: FOREIGN OPERATIONS SENATE FLOOR SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/23/98 06:13:37 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:28:31.00

SUBJECT: RECEIVED: URGENT: Foreign Operations House Committee Letter

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT: Foreign Operations House Committee Letter  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/21/98 07:51:32 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 20:23:27.00

SUBJECT: RECEIVED: URGENT - Biomats. SAP

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

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT - Biomats. SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/27/98 08:11:28 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 27-JUL-1998 02:28:32.00

SUBJECT: RECEIVED: Need Clearance: Transportation House Committee Letter

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )

READ: UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Need Clearance: Transportation House Committee Letter  
was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

07/21/98 07:50:31 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:27-JUL-1998 02:28:30.00

SUBJECT: RECEIVED: URGENT: C/J/S HOUSE RULES SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT: C/J/S HOUSE RULES SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/22/98 04:17:21 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JUL-1998 20:29:57.00

SUBJECT: Re:

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

TEXT:

you bet. i've passed your name on to jose cerda, who's running it for our shop. it would be great if you would give him a call at 65568

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:28-JUL-1998 20:36:52.00

SUBJECT: RECEIVED: Reminder--comments on Labor report on H.R. 4037 (Electronic Access to M

TO: Melissa N. Benton ( CN=Melissa N. Benton/OU=OMB/O=EOP [ OMB ] )

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Reminder--comments on Labor report on H.R. 4037 (Electronic Access to Material Safety Data was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

07/28/98 08:30:28 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:28-JUL-1998 20:36:51.00

SUBJECT: RECEIVED: Justice letter on Postal Reform Act (HR 22)

TO: Melissa N. Benton ( CN=Melissa N. Benton/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
Justice letter on Postal Reform Act (HR 22)  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/28/98 08:30:58 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:28-JUL-1998 21:12:11.00

SUBJECT: RECEIVED: URGENT-Labor Letter and Talking Points on Harkin Provision in Senate Tr

TO: Melissa N. Benton ( CN=Melissa N. Benton/OU=OMB/O=EOP [ OMB ] )

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

URGENT-Labor Letter and Talking Points on Harkin Provision in Senate Treasury-Postal Appro  
was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

07/28/98 09:11:58 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:29-JUL-1998 17:16:22.00

SUBJECT: RECEIVED: NEED CLEARANCE: DC APPROPS HOUSE LETTER

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
NEED CLEARANCE: DC APPROPS HOUSE LETTER  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/29/98 05:26:39 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JUL-1998 16:15:29.00

SUBJECT: Re: Welfare policy coordination

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

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

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

TEXT:  
sounds fine to me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JUL-1998 16:56:13.00

SUBJECT: Re: Title X -- DC Appropriations Vote

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

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

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

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

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

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

TEXT:

agree with both jen and cynthia. we should not be against this; we should not take part in efforts to derail it.

Jennifer L. Klein  
07/28/98 12:49:08 PM  
Record Type: Record

To: Cynthia Dailard/OPD/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Re: Title X -- DC Appropriations Vote

I think it's hard for us to be against that. I also tend to think that we shouldn't get involved in second order amendments, but I could be convinced otherwise.

Message Copied

To: \_\_\_\_\_  
Elena Kagan/OPD/EOP  
Laura Emmett/WHO/EOP  
Peter G. Jacoby/WHO/EOP  
Nicole R. Rabner/WHO/EOP  
Neera Tanden/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JUL-1998 16:12:28.00

SUBJECT: Re: proposed EO

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

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

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

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

TEXT:

I confess to feeling somewhat baffled by this -- an executive order on children saying what?? I'm going to ask Jen to call Lynn to find out what she wants and why, but I have to say that I'd oppose an executive order on "children's lives." We have many different initiatives that focus on children -- we have education policies, child care polcies, health policies, etc. We shouldn't trivialize our work in this area by issuing an executive order telling everybody to everything they can for every child.

Maria Echaveste  
 07/28/98 11:09:23 AM  
 Record Type: Record

To: Phillip Caplan/WHO/EOP, Elena Kagan/OPD/EOP, Jennifer L. Klein/OPD/EOP  
 cc:  
 Subject: proposed EO

How did you all respond to this? didn't we do something re children--or was it just the order directing issuance of data re children? do I need to follow up here?

----- Forwarded by Maria Echaveste/WHO/EOP on 07/28/98  
 11:09 AM -----

Lynn G. Cutler  
 07/24/98 01:32:10 PM  
 Record Type: Record

To: Phillip Caplan/WHO/EOP  
 cc: See the distribution list at the bottom of this message  
 Subject: proposed EO

There are requests for an EO on children--Indian children, Asian children, other minority children. Some of us have been talking and while we agree that an initiative on children's health, education and other aspects of their lives is timely, we would like to do just one document. I would

assume that you agree with this. My proposal is that we meet internally, come to a decision, and then work with the outside groups to ensure that the major needs are covered. Do you want to convene such a meeting--we could tell you who would need to be at the table from our side of the perspective. Let me know.

Message Copied

To:

---

Christopher C. Jennings/OPD/EOP

Mary L. Smith/OPD/EOP

Doris O. Matsui/WHO/EOP

Minyon Moore/WHO/EOP

Maria Echaveste/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JUL-1998 16:34:43.00

SUBJECT: Re: Follow up on NYT Story re: Minorities on Welfare

TO: 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:

Agree, with both the general sentiment and the fallback position.

Bruce: Race-based criterion are permissible only if they are narrowly tailored to support a compelling state interest.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JUL-1998 16:59:24.00

SUBJECT: Re: DED for Liberians

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

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

TEXT:  
no reason to do this, at least for now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JUL-1998 17:16:40.00

SUBJECT: Re: Senate passed Fed. Employee Child Care Bill

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

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

CC: Jennifer L. Klein ( CN=Jennifer L. Klein/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:29-JUL-1998 16:40:34.00

SUBJECT:

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

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

TEXT:

actually, if the fallback is necessary, I'd say: "A racially neutral criterion . . . is permissible, but only so long as there is ..." That way, you at least get the broad statement of admissibility standing by itself (before the comma), separate from the qualifying phrase. Not much of a difference, but perhaps worthwhile.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JUL-1998 16:04:27.00

SUBJECT: Re: Grandmothers

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

TEXT:

You offered first. If you want, delegate this project to cynthia daillard. and tell ann we're following up. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:29-JUL-1998 13:56:53.00

SUBJECT: RECEIVED: Transportation House Floor SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Transportation House Floor SAP

was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

07/29/98 01:46:24 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JUL-1998 16:28:53.00

SUBJECT: Re:

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

READ:UNKNOWN

TEXT:

sounds good.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@LNGTWY ( Elena Kagan@EOP@LNGTWY@LNGTWY [ OPD ] )

CREATION DATE/TIME:30-JUL-1998 20:22:13.00

SUBJECT: Read Receipt: Justice Assisted Suicide Letter

TO: Robert J. Pellicci@EOP ( Robert J. Pellicci@EOP [ OMB ] )

READ:UNKNOWN

TEXT:

Message Creation Date was at 30-JUL-1998 20:13:00

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@LNGTWY ( Elena Kagan@EOP@LNGTWY@LNGTWY [ OPD ] )

CREATION DATE/TIME:30-JUL-1998 14:07:26.00

SUBJECT: Read Receipt: Justice Letter on Assisted Suicide

TO: Robert J. Pellicci@EOP ( Robert J. Pellicci@EOP [ OMB ] )

READ:UNKNOWN

TEXT:

Message Creation Date was at 30-JUL-1998 13:52:00

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:30-JUL-1998 14:03:33.00

SUBJECT: RECEIVED: URGENT: SENATE DEFENSE FLOOR SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
URGENT: SENATE DEFENSE FLOOR SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
07/30/98 01:58:20 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:31-JUL-1998 17:12:52.00

SUBJECT: RECEIVED: OMB Proposed Revised TANF parag. for ED conferee letter on HR 6

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

OMB Proposed Revised TANF parag. for ED conferee letter on HR 6

was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

07/31/98 05:03:38 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 1-AUG-1998 14:27:58.00

SUBJECT: RECEIVED: House C/J/S Floor SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
House C/J/S Floor SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
08/01/98 02:28:18 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-AUG-1998 18:49:21.00

SUBJECT: Re: parental notification and the Castle-Greenwood amendment

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

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

CC: Jacob J. Lew ( CN=Jacob J. Lew/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

CC: Daniel N. Mendelson ( CN=Daniel N. Mendelson/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

TEXT:

This is AOK with me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-AUG-1998 10:58:21.00

SUBJECT: CA Message

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

READ:UNKNOWN

TEXT:

what do you think?

----- Forwarded by Elena Kagan/OPD/EOP on 08/04/98 10:58 AM -----

Jennifer M. Palmieri  
08/04/98 10:51:11 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: CA Message

I wanted to check in with you guys about the message for the California trip next week. I believe our final California message meeting with happen later today. The advance team is leaving tomorrow for California, so we need to make a decision soon.

I believe the current state of play was to do guns in San Francisco (Brady regs and Feinstein anti-clip legislation) and an event supportive of the tobacco tax/child care initiative in LA.

Other options that I am aware of include: food safety, signing the credit union legislation, safe drinking water.

Elena -- what are you views on the tobacco/child care initiative? Are you guys okay with that? thanks.

So -- how are you feeling about doing tobacco/child care in LA?

Message Sent

To: \_\_\_\_\_  
Elena Kagan/OPD/EOP  
Christa Robinson/OPD/EOP  
Karen E. Skelton/WHO/EOP  
Stacie Spector/WHO/EOP  
Laura A. Graham/WHO/EOP

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Laura Emmett re: party (3 pages)	08/04/1998	Personal Misfile

### COLLECTION:

Clinton Presidential Records  
Automated Records Management System [Email]  
OPD ([From Elena Kagan])  
OA/Box Number: 500000

### FOLDER TITLE:

[7/23/1998 - 8/22/1998]

2009-1006-F  
ry939

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 4-AUG-1998 08:48:47.00

SUBJECT: RECEIVED: Draft House Rules Labor/HHS/Ed SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
Draft House Rules Labor/HHS/Ed SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
08/04/98 08:43:51 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-AUG-1998 08:43:27.00

SUBJECT: Party

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

TEXT:

schedule

----- Forwarded by Elena Kagan/OPD/EOP on 08/04/98 08:43  
AM -----

Melissa G. Green  
08/03/98 10:53:41 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Party

Please Join the NEC As We Wish Russell Horwitz Goodluck at the SEC.

Date: March 7, 1998 Friday, August 7, 1998

Time: 12:00 Midnight 5:00-7:00pm

Place: Room 231 in the OEOB

Please Provide Clearence Information to Melissa Green at  
456-5385.

Message Sent

To: \_\_\_\_\_  
Lori L. Anderson/WHO/EOP  
Brenda M. Anders/WHO/EOP  
Kris M Balderston/WHO/EOP  
David S. Beaubaire/WHO/EOP  
Phillip Caplan/WHO/EOP  
Laura K. Capps/WHO/EOP  
Cheryl M. Carter/WHO/EOP  
Steven A. Cohen/WHO/EOP  
Brenda B. Costello/WHO/EOP  
Michelle Crisci/WHO/EOP  
Daniel D. Heath/OMB/EOP  
Christopher C. Jennings/OPD/EOP  
Elena Kagan/OPD/EOP  
Thomas A. Kalil/OPD/EOP  
Jonathan A. Kaplan/OPD/EOP  
Charles Konigsberg/OMB/EOP  
Karin Kullman/WHO/EOP

Jeanne Lambrew/OPD/EOP  
Julie E. Mason/WHO/EOP  
Cathy R. Mays/OPD/EOP  
Anne E. McGuire/WHO/EOP  
Joseph J. Minarik/OMB/EOP  
Linda L. Moore/WHO/EOP  
Kevin S. Moran/WHO/EOP  
Christa Robinson/OPD/EOP  
Dorothy Robyn/OPD/EOP  
Laura D. Schwartz/WHO/EOP  
Jake Siewert/OPD/EOP  
Jordan Tamagni/WHO/EOP  
Barry J. Toiv/WHO/EOP  
Michael Waldman/WHO/EOP  
Paul J. Weinstein Jr./OPD/EOP  
Sara M. Latham/WHO/EOP  
Thomas D. Janenda/WHO/EOP  
Charles R. Marr/OPD/EOP  
Beverly J. Barnes/WHO/EOP  
Cynthia A. Rice/OPD/EOP  
Aviva Steinberg/WHO/EOP  
William H. White Jr./WHO/EOP  
Lisa J. Levin/WHO/EOP  
Christopher J. Lavery/WHO/EOP  
Jeffrey A. Forbes/WHO/EOP  
Virginia N. Rustique/WHO/EOP  
Elizabeth R. Newman/WHO/EOP  
Emil E. Parker/OPD/EOP  
Robert M. Shireman/OPD/EOP  
Robin J. Bachman/WHO/EOP  
Darby E. Stott/WHO/EOP  
Michael V. Terrell/CEQ/EOP  
Ruby Shamir/WHO/EOP  
Neera Tanden/WHO/EOP  
Glen M. Weiner/WHO/EOP  
Paul E. Begala/WHO/EOP  
Noa A. Meyer/WHO/EOP  
Laura Emmett/WHO/EOP  
Mark D. Neschis/WHO/EOP  
Stacie Spector/WHO/EOP  
Joshua Gotbaum/OMB/EOP  
Brian A. Barreto/OPD/EOP  
Amy W. Tobe/WHO/EOP  
Todd Stern/WHO/EOP  
Cathy R. Mays/OPD/EOP  
Jennifer A. DeMarco/WHO/EOP  
Nicole R. Rabner/WHO/EOP  
Peter A. Weissman/OPD/EOP  
Sarah Rosen/OPD/EOP  
Sally Katzen/OPD/EOP  
Shannon Mason/OPD/EOP  
David H. Morrison/OMB/EOP  
Dawn L. Smalls/WHO/EOP  
Carole A. Parmelee/WHO/EOP  
Jessica L. Gibson/WHO/EOP  
Paul K. Engskov/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-AUG-1998 11:15:45.00

SUBJECT: Re: Clayton - Tobacco Farmers Meeting

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

TEXT:

my meeting schedule would make 3:00 better. but if that's not possible,  
we'll survive. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-AUG-1998 10:43:52.00

SUBJECT: Draft House Rules Labor/HHS/Ed SAP

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

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

TEXT:

fyi

----- Forwarded by Elena Kagan/OPD/EOP on 08/04/98 10:43  
AM -----

Kate P. Donovan  
08/03/98 08:38:35 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: See the distribution list at the bottom of this message  
Subject: Draft House Rules Labor/HHS/Ed SAP

House Rules is expected to meet Tuesday at 2:30pm on the Labor/HHS/Education Appropriations bill. Please note that we do not aim to provide a "road map" to the Administration's priorities listed under the Education section. Tomorrow morning, we will re-order the programs in "bill order." If you have a problem with this ordering - please let me know immediately. Otherwise, we will proceed with that route. Please review the draft SAP and provide comments/clearance by 11am Tuesday. Thanks.

H.R. 4274 -- DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,  
EDUCATION, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1999  
(Sponsors: Livingston (R), Louisiana; Porter (R), Illinois)

This Statement of Administration Policy provides the Administration's views on H.R. 4274, the Labor, Health and Human Services, Education, and Related Agencies Appropriations Bill, FY 1999, as reported by the House Appropriations Committee. Your consideration of the Administration's views would be appreciated.

Due to the very serious funding and language issues present in the Committee bill, discussed below, the President would veto the bill in its current form.

The only way to achieve the appropriate investment level for programs funded by this bill is to offset discretionary spending by using savings in other areas. The President's FY 1999 Budget proposes levels of discretionary spending for FY 1999 that conform to the Bipartisan Budget Agreement by making savings through user fees and certain mandatory programs to help finance this spending. In the Transportation Equity Act, Congress -- on a broad, bipartisan basis -- took similar action in approving funding for surface transportation programs paid for with

mandatory offsets. We want to work with the Congress on mutually-agreeable mandatory and other offsets that could be used to increase funding for high-priority discretionary programs, including those funded by this bill. In addition, we hope that the House will reduce funding for lower priority discretionary programs and redirect funding to programs of higher priority.

#### Department of Education

The Committee bill cuts \$2 billion from the President's overall request for education program funding. As a result, the bill does not adequately support the Nation's efforts to raise student achievement, make schools safe, and improve the capabilities of teachers. High priority programs inadequately funded include:

**Goals 2000.** Funding for Goals 2000 is cut \$255 million below the President's request, which would reverse momentum in all 50 States to raise academic standards and deny 6,000 schools serving over three million students the funds needed to implement innovative education reforms.

**Title I (Education for the Disadvantaged) Grants to Local Educational Agencies.** The Committee bill cuts \$392 million from the request, which would leave nearly 520,000 students in high-poverty communities without the extra help they need to master the basics and develop the capability to reach high academic standards.

**Eisenhower Professional Development.** The Committee's \$50 million reduction would leave over 100,000 teachers without the training they need to help them teach to rigorous academic standards.

**America Reads.** America Reads is denied the \$210 million provided in last year's Bipartisan Budget Agreement for children's literacy, which would prevent thousands of young children from receiving the extra help they need to learn to read well and independently by the end of the third grade.

**Safe and Drug-Free Schools and Communities.** The Committee's \$50 million reduction would deny funding for School Coordinators in nearly one-half of the Nation's middle schools needed to implement effective drug and violence prevention programs.

**After School programs (21st Century Community Learning Centers).** A \$140 million cut to this program, part of the President's child care initiative, would result in 3,000 fewer centers and no services to nearly 400,000 children.

**Education Opportunity Zones.** The Committee bill does not provide the requested \$200 million, which would deny high-poverty urban and rural districts the extra assistance they need to implement effective reforms with tough accountability for performance.

**Technology in Education.** The Committee's \$137 million reduction from the request would make it increasingly difficult for States to meet school children's education technology needs, especially in training teachers to integrate educational technology into their curriculum effectively.

**School-to-Work.** School-to-Work is cut by a total of \$100 million (between the Departments of Education and Labor) below the President's \$250 million request, which would seriously hamper all States' efforts to help young people of all backgrounds move from high school to careers or postsecondary training and education.

**Bilingual Education.** The Committee has cut by \$25 million the President's plan for training teachers to help limited-English proficient

children.

**Work-Study.** Roughly 57,000 needy students would be denied the opportunity to work to finance their college education because of the Committee's \$50 million reduction.

**Higher Education Initiatives.** No funds are provided for three Presidential initiatives for which the President has requested \$237 million: High Hopes, to help prepare students at high poverty middle schools for college; Learning Anytime Anywhere Partnership grants for pilot projects using distance learning technology; and, teacher recruitment and preparation programs.

**Civil Rights Enforcement.** Ensuring that civil rights laws and regulations are adequately enforced is a fundamental responsibility of government. The Committee fails to provide the increase of \$6.5 million (for a total of \$68 million) requested by the Office for Civil Rights in the Education Department and reduced by \$2.4 million the request for \$67.8 million for the Labor Department's Office of Federal Contract Compliance. Both activities should be restored to the full requests.

In addition to inadequate funding for priority education programs, the Administration is concerned with several language provisions of the Committee bill that would severely restrict the Administration's ability to continue the development of programs designed to raise academic standards.

**National Tests.** The Administration strongly objects to the language limitation and \$15 million funding cut that would bring a halt to the President's efforts to help States and parents raise academic standards through a voluntary national test. The Committee bill's language would prohibit the development, implementation, and administration of the tests unless explicitly authorized. The language prohibition should be deleted and the funding restored.

**Unfocused Block Grants.** The Administration strongly objects to language that would, in effect, turn the Goals 2000 and the Eisenhower Professional Development programs into block grants by allowing those funds to be used under the broad Title VI block grant authority. Title VI has no performance or accountability standards. The language should be deleted so that these Federal funds can address national needs and continue to be guided by strong accountability measures.

**Special Education (Individuals with Disabilities Education Act -- IDEA).** The bill contains two objectionable IDEA riders. One would undermine the due process protections and parental rights for disabled students who are regarded as violent. The other would, in effect, allow States to discontinue special education services for youth ages 18 to 21 in adult prisons, violating the principle that all disabled youth ages three to 21 have a right to a free, appropriate public education and undermining the Department of Education's ability to enforce the Individuals with Disabilities Education Act. Both provisions would unnecessarily re-open IDEA before last year's bipartisan reauthorization has had a chance to be implemented and fairly assessed. Both provisions should be stricken.

**Bilingual Education.** While we agree with the Committee on the need for some reforms to Bilingual Education, we are opposed to any provision that would set an absolute limit on student participation in bilingual education or alternative programs. Such a step would deny help to students who need it and violate the civil rights of Limited English Proficient students to an equal

education. Because of individual differences, students will vary in how long it takes to develop English proficiency. We are also opposed to provisions that would establish a two-year goal for becoming proficient in English, since research has shown that this timetable is unrealistically short.

**Internet Access in Schools and Libraries.** The bill contains objectionable language that would deny Federal funds to schools and libraries that have not installed software on their computers to block Internet access to indecent materials to minors. While the Administration strongly supports efforts to ensure that schools and libraries protect minors from indecent materials, it objects to such overly prescriptive language. Most local education agencies have already developed their own acceptable-use policies, many of which are not based on software. Instead, the Administration favors less burdensome and restrictive language that would require that schools and libraries develop their own acceptable-use plans at the local level and certify their implementation.

#### Department of Labor

**Summer Jobs Program.** The Administration strongly opposes the Committee's elimination of the \$871 million Summer Jobs program, which could finance 530,000 summer jobs for economically disadvantaged youth. The unemployment rate for teens continues to far exceed the overall unemployment rate. The Summer Jobs program plays a vital role in supporting employment among these teens, especially among African-American youths -- approximately 25 percent of summer jobs held by African-American 14-15 year olds come through this program -- and serves as a valuable introduction to the world of work. We urge the House to restore the full request for this program.

**President's Youth Opportunity Areas Initiative.** The Committee provides no funding for the President's Youth Opportunity Areas initiative and rescinds the \$250 million appropriated last year for this program. This program would address the problem of pervasive joblessness in high-poverty neighborhoods by making large investments in these areas to effect community-wide change and help 50,000 out-of-school youth. We strongly oppose elimination of this program, which is an essential component of the Administration's Empowerment Zones/Enterprise Communities initiative. We urge the House to provide full funding as requested.

The Administration has strong concerns with the inadequate funding levels provided for the following Labor programs:

**Adult Job Training.** The Committee has provided none of the requested increases for the Dislocated Worker (\$100 million) and low-income adult (\$45 million) job training programs. Freezing these programs would mean that some 67,000 fewer workers in need of assistance would be helped.

**Worker Protection.** The Committee has cut nearly in half the requested increase for programs that protect our workers on the job. For example, the Committee mark for the Occupational Safety and Health Administration (OSHA) redirects resources to State consultation and is nine-percent below the requested level for Federal enforcement, while funding for the Mine Safety and Health Administration (MSHA) is frozen at the 1998 level and virtually no funding is provided for implementing the Health Insurance Portability and Accountability Act of 1996. We urge the House to restore financing for such critical workplace protection programs.

**Unemployment Insurance.** The House Committee mark does not fund the \$90 million requested for the Unemployment Insurance (UI) integrity

initiative. This initiative was authorized in the Balanced Budget Act of 1997 and would, over five years, achieve \$763 million in mandatory savings assumed in the Bipartisan Budget Agreement. Failure to fund this initiative would mean a continuation of errors in benefit payments and UI taxes.

Child Labor. The \$3 million increase to combat international child labor abuses is inadequate in light of the magnitude of the problem, and provides only a small fraction of the \$27 million requested.

The Committee bill contains several objectionable language riders addressing regulatory issues in the Department of Labor. These include language imposing new, unnecessary, and burdensome review procedures before the Department can issue Black Lung regulations, a new requirement for OSHA to conduct duplicative peer review panels for its new regulations, and a continuation of the rider that prohibits MSHA from enforcing training requirements at certain mines, which have a growing numbers of deaths. These riders would make it more difficult for the Department of Labor to carry out its programs and should be dropped.

The Administration objects to the continuation of last year's rider that prohibits the use of funds for supervising the Teamster's election, despite a court order requiring the Federal Government to pay for a supervised election.

#### Department of Health and Human Services

The Administration appreciates the Committee's efforts to provide much needed funding for important programs crucial to the healthy lives of all Americans. Unfortunately, the Committee has not provided adequate funding for several important programs of the Department of Health and Human Services (HHS). In addition, the Committee bill contains several language provisions that are troubling to the Administration.

Abortion. The Administration urges the House to strike sections 508 and 509 of the Committee bill, which would prohibit the use of funds for abortion. The President believes that abortion should be safe, legal, and rare. These provisions would continue to limit the range of conditions under which a woman's health would permit access to abortion services. Furthermore, section 509 requires a physician to make a legal determination that these conditions have been met. The Administration proposes to work with the Congress to address the issue of abortion funding.

Head Start. The Committee funds Head Start at \$4.5 billion, \$160 million below the President's request -- denying slots to up to 25,000 low-income children in FY 1999 and undermining efforts to serve one million children by the year 2002. Head Start has a track record of success in readying disadvantaged children for school, supporting working families by helping parents to get involved in their children's lives and providing services to the entire family. We urge the House to restore Head Start funding to the President's requested level.

Child Care. The Administration urges the House to provide the additional \$174 million requested for a child care initiative that will improve the availability of affordable, quality child care for working parents. This initiative would provide States with resources to enhance child care health and safety standards enforcement, give child care workers scholarships to improve their skills, and increase our commitment to understand better and evaluate how our Nation's child care system is working. Likewise, we ask that the Committee restore funds to the President's requested level for a \$5 million program designed to assist States in developing support systems for families of children with

disabilities.

Organ Donation. The Administration strongly opposes two provisions of the Committee bill that would suspend two HHS rules pertaining to organ donation: a HCFA rule that seeks to expand the number of organs available for donation through more vigorous procurement efforts; and, a Health Resources and Services Administration rule that would require the national organ transplant network to develop policies that would allocate organs based on patients' medical need, not their geographic location.

Other troublesome HHS-related funding and language issues, with which the Administration has serious concerns, include the following:

National Household Survey on Drug Abuse. The Committee mark eliminates funding for data collection activities of the Substance Abuse and Mental Health Services Administration, including the National Household Survey on Drug Abuse, which is our single best source of information on youth drug use and youth smoking and is important for evaluating the impact of substance abuse prevention, treatment, and enforcement efforts.

Family Planning. The Committee bill requires family planning grantees either to receive written parental consent or provide advance notification to parents before giving contraceptives to minors. Mandating parental consent could discourage sexually active minors from seeking health care and reproductive counseling services and thus lead to more unintended pregnancies, more abortions and more sexually transmitted diseases, including HIV, among our nation's youth. [Need to discuss.]

Needle Exchange. The Committee includes a total ban on the use of funds appropriated in this Act for needle exchange programs rather than making the use of funds for such programs conditional upon the certification of the Secretary of Health and Human Services.

Health Care Financing Administration (HCFA). Although the Committee has fully funded the President's program level request for HCFA Program Management (with the exception of the Medicare+Choice information campaign), no action has been taken on the \$265 million in new discretionary HCFA user fees. We urge the House to enact the President's requested user fees to finance HCFA activities and to ensure that sufficient resources remain available for education and other priorities.

Bio-Terrorism. The Administration urges the House to provide the full \$111 million requested to improve HHS' ability to respond to attacks of biological and chemical terrorism.

Health Disparities. The Committee has failed to include \$30 million requested for demonstration projects to address racial and ethnic health disparities in infant mortality, cancer, diabetes, heart disease and stroke, HIV/AIDS, and immunizations.

Low Income Home Energy Assistance Program (LIHEAP). The Committee would eliminate funding for LIHEAP. Over 36 percent of LIHEAP households have elderly residents, 32 percent have disabled residents, 27 percent have children under the age of six, and 27 percent are the working poor who do not receive any other public assistance. The Administration urges the House to restore funds to the President's requested level.

Foster Care and Adoption Assistance. The Committee bill fails to provide the Administration's request for a \$200 million contingency reserve. This language is critical to ensure grant awards should the definite appropriations be insufficient for authorized eligible expenditures in either Foster Care or Adoption Assistance. The House should restore funding to the requested level of \$200 million, or approximately four

percent of total program costs.

Office of AIDS Research. The Committee bill does not appropriate a specific amount for AIDS research through a single appropriation for the National Institutes of Health's (NIH) Office of AIDS Research. The single appropriation would help NIH plan and target research funds effectively, minimizing duplication and inefficiencies across the 21 institutes and centers that carry out HIV/AIDS research.

Prevention Research. The Committee has provided only \$10 million of the \$25 million requested for the Centers for Disease Control to expand research in ways to prevent disease and reduce the need for medical care.

Medicaid Drug Coverage. The Committee bill would prohibit HCFA from paying for a specific pharmaceutical agent under Medicaid except for post-surgical treatment. We oppose the use of the appropriations process to make selective coverage determinations and judgments regarding how best to treat specific medical problems. Further, the provision is unnecessary because the Secretary already has authority to limit coverage for pharmaceutical agents if prescribed inappropriately, and States already have broad latitude to limit the use of drugs under Federal law through drug utilization review and prior authorization programs.

Social Services Block Grant. The Administration opposes a provision that would restrict State authority to transfer Temporary Assistance to Needy Families (TANF) funds to SSBG in FY 1999 up to the amounts transferred by individual States in FY 1998. Enacting such a provision so late in FY1998 would inequitably limit State flexibility for the future.

General Departmental Management. A provision of the bill would require that HHS' Office of the Secretary contract with the National Academy of Sciences (NAS) for an \$890,000 study on repetitive tasks in the workplace. This provision duplicates current NIH efforts with NAS in this area.

#### Social Security Administration

The Committee bill does not provide \$19 million for administrative expenses, contingent on the authorization of a user fee for services provided by the Social Security Administration to attorneys who represent claimants for benefits. These services include withholding money from certain past due benefits and issuing payments to certain claimant representatives. The Administration continues to support enactment of this user fee and appropriation of the anticipated collections for administrative expenses.

In addition, the Committee bill does not provide \$50 million for administrative expenses for the conduct of additional non-disability Supplemental Security Income (SSI) redeterminations of eligibility. These resources and the resulting redeterminations are essential to ensuring the integrity of the SSI program and reducing unnecessary benefit payments. Failure to provide this funding would result in serious staffing shortfalls.

#### Other Issues

National Labor Relations Board (NLRB). The Committee provides funding for the NLRB at the FY 1997 level. This would result in a loss of over 100 staff, an increase in case backlogs, and could result in furloughs and office closings. This reduction would cripple an agency key to protecting workers' rights on the job, and we urge the House to restore the NLRB to the requested level.

Section 516 amends the National Labor Relations Act to require the NLRB to adjust its dollar jurisdictional standards for inflation on October 1, 1998, and every five years thereafter. This change would deny workers in some small businesses the protection afforded to others to organize and bargain collectively. This change to substantive law raising the jurisdictional thresholds more than five-fold should not be done through the appropriations process, but only after hearings and debate.

Corporation for National and Community Service. The Administration is deeply concerned about the Committee's \$27 million reduction to the request for the Corporation for National and Community Service. This reduction freezes the Corporation's Senior Service program at the FY 1998 level and cuts VISTA \$5 million below FY 1998. These reductions would deny more than 500 VISTA members the opportunity to serve in low-income communities Nation-wide and would reduce the number of seniors serving their communities by 15,000. The Administration urges the House to fully fund the Corporation at the \$279 million level proposed in the FY 1999 Budget.

Corporation for Public Broadcasting. The Administration strongly objects to the lack of funding provided for the President's initiative to assist public broadcasters in converting to digital technology. The transition to digital technology promises to create tremendous opportunities for expanded and enhanced educational and public service programming while promoting innovative technology applications. Providing the Corporation with funding in FY 1999 will allow public broadcasting to convert to digital technology on a schedule similar to that of commercial stations. This will facilitate fundraising efforts and allow public broadcasters to participate in the establishment of digital standards.

Railroad Retirement Board (RRB). The Committee bill does not include language to provide the RRB with authority to offer voluntary separation incentive payments (or buyouts) through the end of calendar year 1998. RRB's experience has shown that reducing employment through buyouts is much less disruptive to agency operations than conducting a reduction-in-force. The Administration urges the House to provide this buyout authority.

The Committee bill includes language prohibiting the RRB Inspector General from using funds for any audit, investigation, or review of the Medicare program. The Administration believes that this language should be dropped. RRB has statutory authority to administer a separate contract for RRB, Part B Medicare claims. As long as RRB has authority to negotiate and administer a separate Medicare contract, the RRB Inspector General ought not to be prohibited from using funds to review, audit, or investigate activity related to that contract.

Armed Forces Retirement Home (AFRH). The Subcommittee provides FY 1999 funding at the requested dollar level, but does not provide the necessary multi-year authority or requested advance appropriations to contract for the medical facility at the Mississippi Home. Without the advance appropriation or last year's language, AFRH will have to reallocate these funds away from the Mississippi Home to the Washington Home for smaller, lower-priority capital projects that are ready for contract.

Message Sent

To: \_\_\_\_\_  
Rahm I. Emanuel/WHO/EOP  
John Podesta/WHO/EOP  
Gene B. Sperling/OPD/EOP

Sally Katzen/OPD/EOP  
Elena Kagan/OPD/EOP  
Martha Foley/WHO/EOP  
Ron Klain/OVP @ OVP  
William P. Marshall/WHO/EOP  
Joshua Gotbaum/OMB/EOP  
Lisa M. Kountoupes/WHO/EOP  
Kathleen A. McGinty/CEQ/EOP  
Wesley P. Warren/CEQ/EOP  
Kerri A. Jones/OSTP/EOP  
Jeffrey M. Smith/OSTP/EOP  
Todd Stern/WHO/EOP  
G. E. DeSeve/OMB/EOP  
RUDMAN\_M @ A1@CD@VAXGTWY

## Message Copied

To:

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Kevin S. Moran/WHO/EOP  
Jessica L. Gibson/WHO/EOP  
Melissa G. Green/OPD/EOP  
Michelle Crisci/WHO/EOP  
Laura Emmett/WHO/EOP  
Shannon Mason/OPD/EOP  
Jonathan H. Adashek/WHO/EOP  
Charles Konigsberg/OMB/EOP  
Elizabeth Gore/OMB/EOP  
Lisa Zweig/OMB/EOP  
Jill M. Blickstein/OMB/EOP  
Charles R. Marr/OPD/EOP  
Emil E. Parker/OPD/EOP  
Judy Jablow/CEQ/EOP  
Paul J. Weinstein Jr./OPD/EOP  
Peter A. Weissman/OPD/EOP  
Robert L. Nabors/OMB/EOP  
Adrienne C. Erbach/OMB/EOP  
Victoria A. Wachino/OMB/EOP  
Rosemary Evans/OMB/EOP  
FARRAR\_J @ A1@CD@VAXGTWY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-AUG-1998 14:46:12.00

SUBJECT: Native American Memo

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

READ:UNKNOWN

TEXT:

have i seen it?

----- Forwarded by Elena Kagan/OPD/EOP on 08/04/98 02:45  
PM -----

Phillip Caplan

08/04/98 01:24:00 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Mary L. Smith/OPD/EOP

cc: Laura Emmett/WHO/EOP

Subject: Native American Memo

I need the directive this evening. Can you please make sure I get it?  
Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-AUG-1998 10:57:26.00

SUBJECT: Clayton - Tobacco Farmers Meeting

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

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

TEXT:

tom--please hook up with janet; get whatever info she has about the event;  
and do the substantive briefing. I need some time to look at it before we  
give it to erskine. sorry.

----- Forwarded by Elena Kagan/OPD/EOP on 08/04/98 10:56  
AM -----

Kevin S. Moran 08/04/98 10:18:19 AM

Record Type: Record

To: Janet Murguia/WHO/EOP, Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP  
cc: Jessica L. Gibson/WHO/EOP, Laura Emmett/WHO/EOP, Mindy E.  
Myers/WHO/EOP, Carole A. Parmelee/WHO/EOP  
Subject: Clayton - Tobacco Farmers Meeting

Erskine just asked me to get briefing materials for his Thursday (8/6)  
meeting with Rep. Eva Clayton on tobacco farmers today. Can you help me  
get a briefing paper on this by 6:00 pm tonight? I understand, Janet,  
that you have been pulling this meeting together so far. Can you please  
coordinate the briefing paper with Bruce and Elena to make sure we have  
DPC's input as well? Thanks a lot. Please feel free to call me if you  
see any problems getting this done.

Kevin

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-AUG-1998 13:40:10.00

SUBJECT: Re: Those Ed Dept folks are persistent!

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

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

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

TEXT:  
no, no, no

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-AUG-1998 19:54:31.00

SUBJECT: Re: gannett reporter for story

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

READ:UNKNOWN

TEXT:

it has now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-AUG-1998 16:44:00.00

SUBJECT: Today's food safety mtg

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 08/05/98 04:43  
PM -----

Jerold R. Mande

08/05/98 04:28:59 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Today's food safety mtg

You may have already taken care of this, but I am concerned that Sec'y Shalala didn't have a representative at today's food safety mtg. As you know, Shalala has held the strongest views about the food safety organizational chart. Although FDA was at the meeting, HHS and FDA have not always been in synch on how food safety should be organized. I don't think FDA would take a different position than HHS, but I do think FDA is probably not as sensitive to Shalala's concerns -- particularly the Hill politics. Someone was probably invited. But you may want to call her office so that they don't hear about today's discussions second hand.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-AUG-1998 13:39:27.00

SUBJECT: BURTON, DONENFELD & GONZALES ARE HITTING THE ROAD!

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

READ:UNKNOWN

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 08/05/98 01:39 PM -----

To: Barbara D. Woolley/WHO/EOP, Joshua Gotbaum/OMB/EOP, Daniel N. Mendelson/OMB/EOP, Richard J. Turman/OMB/EOP, Bruce N. Reed/OPD/EOP, Cathy R. Mays/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, Cynthia Dailard/OPD/EOP, Sarah A. Bianchi/OPD/EOP, Christopher C. Jennings/OPD/EOP, Mary L. Smith/OPD/EOP, Christa Robinson/OPD/EOP, Thomas L. Freedman/OPD/EOP, Sandra Thurman/OPD/EOP, William H. White Jr./WHO/EOP, Sally Katzen/OPD/EOP, Walker F. Bass/WHO/EOP, Jonathan A. Kaplan/OPD/EOP, Jonathan Orszag/OPD/EOP, Todd A. Summers/OPD/EOP, Kris M Balderston/WHO/EOP, Anne E. McGuire/WHO/EOP, Beth A. Viola/CEQ/EOP, Fred DuVal/WHO/EOP, Emory L. Mayfield/WHO/EOP, Lowell A. Weiss/WHO/EOP, Julia M. Payne/WHO/EOP

cc:

From: Jim Kohlenberger/OVP @ OVP

Date: 08/05/98 12:13:57 PM

Subject: BURTON, DONENFELD & GONZALES ARE HITTING THE ROAD!

----- Forwarded by Jim Kohlenberger/OVP on 08/05/98 12:10 PM -----

To: Bill F Althoff/OVP, Eric R. Anderson/OVP, Doug Babcock/OVP, Gayle Bauer/OVP, Debbie B Bengtson/OVP, Lisa A. Berg/OVP, Lee Ann Brackett/OVP, Michael J. Burton/OVP, Peggy Cusack/OVP, Marc R D'Anjou/OVP, Toby Donenfeld/OVP, Philip G Dufour/OVP, Joseph D Eyer/OVP, Michael B. Feldman/OVP, Lucia F. Gilliland/OVP, Sue R. Greenberg/OVP, Bruce Harding/OVP, Elizabeth Harrington/OVP, Wendy Hartman/OVP, Gordon Heddell/OVP, Paul Hegarty/OVP, Bonnie Houchen/OVP, Phillip J. Humnicky/OVP, Ansley Jones/OVP, Vivian Jones/OVP, Elaine C. Kamarck/OVP, Joe Keohan/OVP, Ron Klain/OVP, Jim Kohlenberger/OVP, Heidi Kukis/OVP, Heather M. Marabeti/OVP, Rhonda Melton/OVP, MOTOR\_1/OVP, Wendy C. New/OVP, Ellen L. Ochs/OVP, Mary M. Overbey/OVP, Eric L. Schnure/OVP, Callie Shell/OVP, Caren L. Solomon/OVP, Jonathan Spalter/OVP, Elisabeth S. Steele/OVP, John Stoner/OVP, David R Thomas/OVP, Cindy Trutanic/OVP, Kimberly H Tilley/OVP, Christopher R. Ulrich/OVP, Moe Vela/OVP, Lorraine A. Voles/OVP, Jonathan Weiss/OVP, Alberta A. Winkler/OVP, Cheryl Anderson at gore-dc @ CCMAIL, Nancy Hoit at NPR @ CCMAIL, Elizabeth Katze at gore-dc @ ccmail, David Ligon at gore-dc @ ccmail, Aimee Malnati at gore-dc @ ccmail, Bill Mason at GORE-DC @ ccmail, Clark Ogilvie at gore-dc @ CCMAIL, Rhonda Melton at gore-dc @ CCMAIL, Neil Blecher at gore-dc @ CCMAIL, Andy Dryden at gore-dc @ CCMAIL, Virginia M. Terzano/OVP, Joanne M. Hilty/OVP, Elisabeth Stock/OVP, Linda B. Paris/OVP, Jalair Y. Flynn/OVP, Trooper Sanders/OVP, Roger V. Salazar/OVP, Susan M. Liss/OVP, Charles W. Burson/OVP, Kimberly M. Harold/OVP, Donald H. Gips/OVP, Bobbie J. Bauman/OVP, Paul J. Cusack/OVP, Lisa M. Brown/OVP, Matthew I. Fraidin/OVP, Leigh A. Apple/OVP, Michael B. Waitzkin/WHO/EOP @ EOP, Steven

W. Adamske/OVP, Todd H. Dennett/OVP, Mary A. Dixon/OVP, Maurice Daniel/OVP, Dan J. Taylor/OVP, Andrei H. Cherny/OVP, Nathan B. Naylor/OVP, Jonathan H. Schnur/OVP, Karen E. Skelton/WHO/EOP @ EOP, Kay Casstevens/OVP, Miguel M. Bustos/OVP, Lisa M. Brown/OVP, Matthew L. Bennett/OVP, Lisa M. Mallory/OVP, Steve L. Kwast/OVP, Rachael E. Sullivan/OVP, Scott R. Hynes/OVP, Paul A. Tuchmann/OVP, Elizabeth V. Katze/OVP, Thurgood Marshall Jr/WHO/EOP @ EOP, Elisabeth Steele/WHO/EOP, Janet Murguia/WHO/EOP @ EOP, Jessica L. Gibson/WHO/EOP @ EOP, Mindy E. Myers/WHO/EOP, Charles M. Brain/WHO/EOP, Dario J. Gomez/WHO/EOP, Alphonse J. Maldon/WHO/EOP @ EOP, Broderick Johnson/WHO/EOP, Lisa M. Kountoupes/OMB/EOP @ EOP, Elisa Millsap/WHO/EOP @ EOP, Jade L Riley/WHO/EOP, Tracey E. Thornton/WHO/EOP @ EOP, Janelle E. Erickson/WHO/EOP, Jeffrey A. Forbes/WHO/EOP @ EOP, Peter G. Jacoby/WHO/EOP @ EOP, Roger S. Ballentine/WHO/EOP, Virginia N. Rustique/WHO/EOP @ EOP, Marty J. Hoffmann/WHO/EOP, Peter D. Greenberger/WHO/EOP, Eli P. Joseph/WHO/EOP, Martha Foley/WHO/EOP @ EOP, Lawrence J. Stein/WHO/EOP, Julie A. Fernandes/OPD/EOP, Heather M. Marabeti/WHO/EOP

cc:

From: Matthew J. Bianco/OVP

Date: 08/04/98 12:43:55 PM

Subject: BURTON, DONENFELD & GONZALES ARE HITTING THE ROAD!

Mike, Toby and Rick are hittin' the road to hit the books! As many of you know, our three colleagues are leaving OVP to either sit in a classroom come fall, or stand in front of one. In order to wish them well and all of the success they deserve, we will be bidding them a fond farewell this Thursday, August 6th at 5 pm on Mrs. Gore's balcony! There will be food, folks and fun and maybe even a surprise visitor. Please mark your calendars and we'll see you there!

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-AUG-1998 10:40:37.00

SUBJECT: RECEIVED: NEED CLEARANCE: DC HOUSE RULES SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
NEED CLEARANCE: DC HOUSE RULES SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
08/05/98 10:31:08 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-AUG-1998 16:43:41.00

SUBJECT: RECEIVED: Draft SAP: HR 3892 - English Language Fluency Act

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Draft SAP: HR 3892 - English Language Fluency Act  
was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

08/05/98 04:43:17 PM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-AUG-1998 10:35:50.00

SUBJECT: RECEIVED: ED conferee letter of HR 6 (HEA) = opening language and statement of po

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

TEXT:  
RETURN RECEIPT

Your Document:  
ED conferee letter of HR 6 (HEA) = opening language and statement of position  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
08/05/98 10:30:06 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 5-AUG-1998 13:47:47.00

SUBJECT: RECEIVED: Reminder--comments on LRM MNB217--Transportation testimony on PLAs--are

TO: Melissa N. Benton ( CN=Melissa N. Benton/OU=OMB/O=EOP [ OMB ] )

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Reminder--comments on LRM MNB217--Transportation testimony on PLAs--are due  
was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

08/05/98 01:38:31 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-AUG-1998 11:37:25.00

SUBJECT: Re: gannett reporter for story

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

READ:UNKNOWN

TEXT:

what emotion was she seconding??

----- Forwarded by Elena Kagan/OPD/EOP on 08/06/98 11:37 AM -----

Laura Emmett

08/06/98 08:50:55 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Re: gannett reporter for story

----- Forwarded by Laura Emmett/WHO/EOP on 08/06/98 08:51 AM -----

Amy W. Tobe

08/06/98 08:50:20 AM

Record Type: Record

To: Julia M. Payne/WHO/EOP

cc: Laura Emmett/WHO/EOP, Barry J. Toiv/WHO/EOP, Beverly J. Barnes/WHO/EOP

Subject: Re: gannett reporter for story

I second that emotion! And, I did enjoy reading the email traffic on this...it seemed uncertain, but, as always, Elena pulled through! Pls thank her for us. This stuff really helps. And we know how busy she is. Thanks again!

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 6-AUG-1998 11:44:19.00

SUBJECT: RECEIVED: NEED CLEARANCE: DC APPROPS HSE FLR SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
NEED CLEARANCE: DC APPROPS HSE FLR SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
08/06/98 11:39:39 AM



**WELFARE-TO-WORK HIGH PERFORMANCE BONUS ISSUES**

	<b>DOL/OMB Proposal</b>	<b>TANF Guidance</b>	<b>DPC Proposal</b>
<b>Definition of Employment</b>	Unsubsidized (excludes wage subsidies and OJT paid with <u>WTW</u> funds). NOTE: DOL agreed that subsidies paid w/ TANF funds would not be excluded.	Unsubsidized and partially subsidized (excludes workfare and fully subsidized employment)	Same as TANF (include subsidies paid with either TANF or WTW funds)
<b>Job Entry Measures(s)</b>	1) "Job Entry Rate" (any job) 2) "Substantial Job Entry Rate" = jobs of least 20 hours per week (includes people who are counted in 1) and increase to >20 hours)	1) "Job Entry Rate" (any job)	Can live w/ two measures, but change 2) to 30 hours and rename it (so that there's an explainable difference between the two).
<b>Weighting</b>	<p>A: original proposal            35% Job Entry  <u>20%</u> Subst Job Entry  <b>55%</b>            30% Retention  <u>15%</u> Earnings Gain  <b>45%</b></p> <p>B: revised proposal            15% Job Entry  <u>20%</u> Subst Job Entry  <b>35%</b>            50% Retention  <u>15%</u> Earnings Gain  <b>65%</b></p> <p>Bottom line: at least 50% should be for Retention and Earnings.</p>	<p>40% Job Entry  <u>20%</u> Job Entry--Improvement  <b>60%</b></p> <p>25% Success in Workforce            (Retention &amp; Earnings)  <u>15%</u> Success in Wkfrce--Impr.  <b>40%</b></p>	<p>40% Job Entry  <u>20%</u> Subst Job Entry  <b>60%</b></p> <p>25% Retention  <u>15%</u> Earnings Gain  <b>40%</b></p> <p>Similar to TANF, and to DOL's original proposal.</p>

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-AUG-1998 11:52:52.00

SUBJECT: Meeting with Minyon

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

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 08/11/98 11:52  
AM -----

Jocelyn Neis

08/11/98 11:10:35 AM

Record Type: Record

To: Christa Robinson/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Meeting with Minyon

Minyon would like to meet with you to discuss outreach efforts and  
coordination with OPL. How does next Wednesday, August 19, at 10:00 work?

Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-AUG-1998 11:58:27.00

SUBJECT: AoA Fraud and Abuse Conference

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

TEXT:

do you know what this is?

----- Forwarded by Elena Kagan/OPD/EOP on 08/12/98 11:58 AM -----

Ann F. Lewis  
08/12/98 10:20:48 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: AoA Fraud and Abuse Conference

According to the Cabinet Weekly Report p 4: AoA will hold its second National Health Care Fraud and Abuse Conference, including Federal partners and "retired seniors involved in anti-fraud projects ..will share best practices"

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-AUG-1998 16:38:32.00

SUBJECT: Welfare weekly

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

READ:UNKNOWN

TEXT:

could you guys have your talk about the race stuff before you leave? i feel uncomfotable leaving this until you get back.

----- Forwarded by Elena Kagan/OPD/EOP on 08/13/98 04:37 PM -----

Bruce N. Reed

08/13/98 12:53:24 PM

Record Type: Record

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

cc:

Subject: Welfare weekly

Assuming we're doing a weekly item on caseloads (either this week or next), I wanted to throw in a few tidbits from the HHS report: We should tell him that two years after the signing, no race to the bottom has materialized -- nine states have increased benefits, only eight have cut benefits. Almost every state requires personal responsibility contracts, and most states have adopted a work-first model, with 32 states expecting clients to work within six months. For the first time, half of all low-income single mothers with children under six -- the population most affected by welfare policy -- are working, a dramatic increase from 35% in 1992. State evaluations of welfare programs show employment increases of 8 to 15 percentage points. So far, welfare changes do not appear to have put nearly as much pressure on the foster care system as some critics feared. A Maryland study found that less than 1/2 of 1 percent of families leaving welfare placed a child in foster care, and most of those families had already been under investigation for abuse or neglect.

Andrea, we should talk more about the racial data -- I'm still not sure we have a full explanation of what's going on, and I don't want to send him something until we do.

----- Forwarded by Bruce N. Reed/OPD/EOP on 08/13/98 12:33 PM -----

Andrea Kane

08/12/98 06:05:27 PM

Record Type: Record

## WELFARE TO WORK HOUSING VOUCHERS

The President's FY99 budget takes further steps to promote work and welfare reform through a plan to provide 50,000 new housing vouchers to welfare recipients who need housing assistance in order to get or keep a job. Families could use these housing vouchers to move closer to a new job, to reduce a long commute, or to secure more stable housing to eliminate emergencies that keep them from getting to work every day on time. These targeted vouchers will give people on welfare a new tool to make the transition to a job and succeed in the work place.

The \$283 million proposal will help address the problem, in many regions, that jobs are being created far from where many welfare recipients live. Currently, about two-thirds of new jobs are being created in the suburbs, but three of four welfare recipients live in rural areas or central cities. The funding for the Administration's Access to Jobs initiative in the Transportation Equity Act for the 21st Century (TEA-21) will assist states and localities to develop flexible transportation alternatives for welfare recipients and other low income workers. But in some cases it makes more sense for someone to move closer to work -- and this new proposal will make that move from welfare to work possible.

### *How It Will Work*

These vouchers will provide States and communities with a new flexible tool to help families who need housing assistance in order to achieve self-sufficiency.

- The additional vouchers will be available on a *competitive basis* to local housing agencies, including Indian housing authorities. Applications must be developed in consultation with the state, local, or tribal welfare agency and the local Welfare-to-Work formula funds grantee (typically the Private Industry Council), to ensure that services are coordinated.
- The vouchers will be used where they are *essential to a successful transition from welfare to work--that is, where housing assistance is critical for a family to get or keep a job.*
- Families who receive the vouchers must be *eligible for or currently receiving Temporary Assistance for Needy Families (TANF) or have received TANF within the past year.*

The initiative recognizes the direct link between affordable housing and self-sufficiency. Along with the Administration's proposal to increase the Low-Income Housing Tax Credit, this initiative will make decent, affordable housing available to more Americans.

### *Current Status*

Congress has recognized the need for housing vouchers to promote welfare reform, but so far has provided insufficient funding for them. The HUD/VA Appropriations bill passed by the House provides \$100 million for 17,700 Welfare to Work Housing Vouchers. The bill passed by the Senate provides only \$40 million for 7,000 housing vouchers. The HUD/VA Appropriations conference committee is expected to occur after the August recess.

08/04/98

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-AUG-1998 17:39:53.00

SUBJECT: Re: Schedule Update

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

READ:UNKNOWN

TEXT:

great; thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-AUG-1998 18:32:41.00

SUBJECT: Re: radio address?

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

READ:UNKNOWN

TEXT:

up in the air

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-AUG-1998 13:15:34.00

SUBJECT: Re: Book Dinner

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

TEXT:  
sure

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-AUG-1998 15:29:01.00

SUBJECT: Re: Food Disaster

TO: Jordan Tamagni ( CN=Jordan Tamagni/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

it did. it was very funny.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-AUG-1998 15:23:20.00

SUBJECT: Re: Food Disaster

TO: Jordan Tamagni ( CN=Jordan Tamagni/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:  
what is this???

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-AUG-1998 11:21:15.00

SUBJECT: Re: Welfare Talking Points

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

TEXT:  
looks good.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-AUG-1998 11:48:55.00

SUBJECT: Race Book--Sept 10 Deadline

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

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

TEXT:

how are we doing on this?

----- Forwarded by Elena Kagan/OPD/EOP on 08/22/98 11:48 AM -----

Maria Echaveste  
08/19/98 05:24:33 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Judith A. Winston/PIR/EOP  
Subject: Race Book--Sept 10 Deadline

Folks--we're really committed to trying to have a memo to the president with policy ideas by 9/10 so that we can meet with him in the week following. That means people need to meet and discuss in the next three weeks--I'm counting on you--You all wanted to be sure that the Policy Councils were fully integrated in the development of policy for the Race Book--the time is now--THANKS.

Message Sent

To: \_\_\_\_\_  
Elena Kagan/OPD/EOP  
Gene B. Sperling/OPD/EOP  
Michael Cohen/OPD/EOP  
Jose Cerda III/OPD/EOP  
Jonathan A. Kaplan/OPD/EOP  
Joshua Gotbaum/OMB/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-AUG-1998 11:59:31.00

SUBJECT: Re: Education Meeting for Race Book

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

READ:UNKNOWN

TEXT:

let's find a time to talk about this. thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 08/22/98 11:59

AM -----

Scott R. Palmer

08/12/98 04:22:09 PM

Record Type: Record

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

cc: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP, Maria Echaveste/WHO/EOP,  
edley @ law.harvard.gov @ inet

Subject: Re: Education Meeting for Race Book

Attached is an initial Thinking Paper for the Education Working Group meeting tomorrow at 10:30. The paper lays out the four discussion questions that Mike described. Please let me know if you have any questions or concerns.

Message Sent

- To: \_\_\_\_\_
- Michael Cohen/OPD/EOP
  - Michele Cavataio/PIR/EOP
  - Barry White/OMB/EOP
  - Wayne Upshaw/OMB/EOP
  - Robert M. Shireman/OPD/EOP
  - Cecilia E. Rouse/OPD/EOP
  - Tanya E. Martin/OPD/EOP
  - Nicole R. Rabner/WHO/EOP
  - Jonathan H. Schnur/OPD/EOP

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D88]MAIL495926330.226 to ASCII,  
The following is a HEX DUMP:

FF575043E90B0000010A020100000002050000006428000000020000079F6973AFD7DB6FCBD37BA  
A2E109BA5DED9403AABC8ECD8185404C2992E223A50F61BDEB0AF4D7503A71F42260F1295B958B  
8C83513CEE665F81524F0CF912A49EDF29DFCA15CF1D371F6241B042D93EA34A52BA27CB679B4A  
5784D907BCCF3CDE9DB2BE94347C0EFAA9E5587257323C64A7850B3833604DA713FE37A9959004  
DA4DBDC7914284FE7966DA2F8FB88CD8E4820DAAA995DC0D76E2A601230AD58B65C7CBB98609A

**Education Working Group: Thinking Paper**

Realizing the President's vision of One America will require a long-term effort to achieve the following goals in several critical areas, including education, economic development, and criminal justice:

- Overcome racial disparities;
- Eliminate racial discrimination;
- Improve race relations and promote the value of our diversity.

As part of the President's workplan to achieve these goals, we must construct an agenda of short- and long-term policy actions to be implemented by the federal government, state, local, and tribal governments, the private sector, the non-profit sector, and others. In terms of education, while we must promote action in both K-12 and higher education, given the growing importance of lifelong learning in the 21st century, we should think of education as a continuous pipeline from birth through college and beyond.

To develop a workplan to achieve the above goals in education, we must develop answers to the following questions (NOTE: None of the answers that follow the questions listed below are meant to be complete; rather, they are initial ideas.):

**I. What are the key challenges (i.e., disparities, discrimination, race relations) of race in education? (NOTE: We need to think here of what concrete goals we must accomplish in the next X years.)**

1. Racial disparities in early childhood development (including prenatal care, family learning, child care, pre-kindergarten).
2. Racial disparities in access to educational resources (including funding, high quality teachers, academic materials, challenging curricula, modern technology, contemporary facilities, college participation).
3. Increasing number and diversity of LEP students.
4. Racial disparities/discrimination in educational expectations (including access to high standards, beliefs about individual capacity, beliefs about whose world is whose, beliefs about the "coolness" of educational success, and understanding of opportunities).
5. Racial disparities in educational achievement (including test scores, high school graduation rates, college graduation rates).
6. State of segregation in education (including segregation among schools, segregation within diverse schools due to tracking and self-segregation, lack of diversity in higher education).
7. Vestiges of discrimination in access to K-12/higher education.

**II. What are the hard questions that we must answer to address those challenges?**

1. What is the appropriate role of the federal government in K-12 education?
2. What is the proper role of public versus private versus parochial schools? OR What is the proper role of vouchers?
3. How do we best educate LEP students? OR What is the proper role of bilingual education? How do we best accommodate language diversity?
4. What is the value of diversity in K-12/higher education?

5. What is the proper role of affirmative action in higher education? OR Under what circumstances are race-based actions required or permitted?

**III. What has the Administration accomplished/proposed thus far to address those challenges?**

1. Administration Accomplishments: AmeriCorps; America Reads; Technology Literacy Challenge Fund; increased support for Head Start; support for Charter Schools; Goals 2000 and promotion of high standards; promotion of partnerships between schools and families; Safe and Drug Free Schools Act and Safe Schools Act; support for bilingual education; increased support for Title I; increased loans, grants (e.g., Pell Grants), and work study to make college more affordable and to make two years of college universal; School to Work.
2. Prior Administration Proposals:
3. Recent Administration Proposals: Recruiting New Teachers; Small Class Sizes in Early Grades; Modern School Buildings; Education Opportunity Zones; Hispanic Action Plan; High Hopes; increased support for students loans, grants, and work study; support for affirmative action, increased support for after-school programs.

**IV. What are some bold ideas (new or reformulated) to address those challenges? ( NOTE: These bold ideas should include federal and non-federal actions, short- and long-term actions, etc.)**

- Advisory Board's Likely Recommendations: Strengthen teacher preparation and equity; promote school construction; enhance early childhood learning; promote high expectations; promote movement from K-12 to higher education; promote the benefits of diversity in K-12 and higher education.
1. Improve Teacher Education:
  2. Set Opportunity to Learn Standards:
  3. Equalize School Funding:
  4. Promote School Construction:
  5. Support Test Preparation Programs:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-AUG-1998 12:48:01.00

SUBJECT: Re: next steps

TO: Edward W. Correia ( CN=Edward W. Correia/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

Eddie -- have you had any further meetings? where are we on all this?