

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 006 - FOLDER 007

[11/11/1998 - 11/30/1998]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to jmo re: tonight (1 page)	11/17/1998	Personal Misfile
002. email	Elena Kagan to Paul Begala, et al, re: Schedule for NBAC deliberations (partial) (1 page)	11/17/1998	P6/b(6)
003. email	Elena Kagan to jmo re: tonight (1 page)	11/17/1998	Personal Misfile
004. email	Elena Kagan to Bruce Reed re: NBAC response to stem cell query (partial) (1 page)	11/18/1998	P6/b(6)
005. email	Elena Kagan to Jennifer Palmieri re: dinner (1 page)	11/18/1998	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[11/11/1998 - 11/30/1998]

2009-1006-F
 ry942

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]

Tobacco Meeting
November 11, 1998

I. Tobacco Tax

A. Size

B. Uses

1. Non-health spending (as in last year's budget)
2. Medical research and/or public health spending (increases or base?)
3. Tax cuts -- long-term health and/or marriage penalty
4. Farmers
5. Medicare

II. State Settlement

A. Menu in budget?

B. Assume revenues from HCFA claims?

III. Medicare Suit

A. Legislation

B. Negotiations

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-NOV-1998 08:22:46.00

SUBJECT: Re: DOL will be ready to go w the W2W grants on 11/20

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

READ:UNKNOWN

TEXT:

Additional Tobacco Q&A
November 11, 1998

Q: Will the President propose higher cigarette taxes, as reported in today's Wall Street Journal?

A: Absolutely no decisions have been made about what if anything the President's budget will include on tobacco. No recommendations have been made to the President, and no proposals have been considered. Certainly, the President will continue to do everything he can to reduce youth smoking, but its too early to say what his budget will or won't include.

Q: But won't a \$200 billion state settlement make it more likely that the President would propose something less than \$1.10 per pack?

A: It is completely premature to speculate on what the President will include in his budget. We have not even seen the state settlement yet and as you know the amount of that settlement will depend on how many states opt into it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-NOV-1998 12:23:32.00

SUBJECT: Re: scheduling memo

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

READ:UNKNOWN

TEXT:

is this new?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-NOV-1998 12:59:56.00

SUBJECT: Re: one more thing

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

READ:UNKNOWN

TEXT:

ok; thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-NOV-1998 13:58:31.00

SUBJECT: Stem Cells

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 11/12/98 01:56
PM -----

David W. Beier @ OVP
11/12/98 12:16:37 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Stem Cells

As I implied this morning I would appreciate being included in the discussion on stem cell stuff. thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-NOV-1998 10:54:41.00

SUBJECT: Crime Event

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 11/12/98 10:54
AM -----

David R. Goodfriend
11/12/98 10:49:00 AM
Record Type: Record

To: Mindy E. Myers/WHO/EOP, Elisa Millsap/WHO/EOP
cc: Janet Murguia/WHO/EOP, Elena Kagan/OPD/EOP
Subject: Crime Event

In drafting the event memo for tomorrow's bill-signing (S. 191 & S. 1525),
please be sure to coordinate with Jose' Cerda. Thanks!

--David

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-NOV-1998 19:22:10.00

SUBJECT: Re: Please let me know if there are edits to the scheduling memo.

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

READ:UNKNOWN

TEXT:

no, I don't think we should give this to people for now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-NOV-1998 10:17:49.00

SUBJECT: Gambling Impact Study Commission

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

READ:UNKNOWN

TEXT:

could you figure out what's up? thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 11/12/98 10:17 AM -----

Peter Rundlet

11/12/98 09:43:59 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Jose Cerda III/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP

cc:

Subject: Gambling Impact Study Commission

Do any of you know who from the WH worked on the issue/process surrounding the Gambling Impact Study Commission from a policy perspective? I know that Bill Marshall covered the issue for the Counsel's office, and now it's mine. The information in Bill's files is scant, but your names appeared on some of the documents. A legal question has been raised by the Commission that could use some policy guidance. Can any of you point me in the right direction? We need to respond as soon as possible.

Thanks.

November 11, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Gene Sperling
Elena Kagan
Sally Katzen

SUBJECT: State of the Union/Budget Ideas

This memorandum provides a brief description of new ideas we are considering for the State of the Union. Some work has been done on fleshing them out, but many need additional work and further vetting through the interagency process. Most of these ideas involve increased spending, and you will have to make choices among them and/or scale them back as you consider the FY 2000 budget. Although our offices have worked together on many, if not most, of the ideas in this memo, we have noted, where possible, which of our offices has the lead role with respect to each proposal. Options relating to Social Security are not included in this memo.

EDUCATION AND TRAINING (DPC/NEC as specified)

1. Ending Social Promotion. Last year's budget proposal included \$200 million for Education Opportunity Zones in districts that agreed to remove bad teachers, turn around failing schools, and end social promotions. The proposal required authorization, which Congress will never give us. For next year, we recommend a simpler approach that uses existing authority and focuses entirely on ending social promotion. We would like to expand our after-school program from \$200 million to \$700 million and target this money to districts that end social promotion. These school districts could use the money (as Chicago does) to provide extra help after school and mandatory summer school for students who need it. (Cost: \$300 million above FY99 budget.) (DPC)

2. Teacher Quality and Recruitment. Now that we're on track to begin hiring 100,000 new teachers to reduce class size, we have an even greater responsibility to help communities attract talented new teachers to the profession. We envision a five-part strategy on teacher quality and recruitment: (1) a \$100 million increase in the teacher recruitment scholarships we enacted this year in the Higher Education Act, which would put us on course to attract 60,000 new teachers at high-need schools over the next five years; (2) a \$60 million initiative -- modeled after the successful Troops-to-Teachers program -- that would help states expand alternative certification routes and attract talented people from other professions, such as military personnel and employees in firms being downsized; (3) a nationwide crackdown on teacher education schools, including new regulations authorized by the Higher Education Act to require report cards for education schools; (4) a \$50 million increase in the Eisenhower program to send secondary school teachers who teach

outside their field back to college to take additional courses in the subjects they're teaching, coupled with a new requirement that new secondary teachers pass competency tests in a subject before they can teach it; and (5) a high-profile effort to help states make the most of the 15 percent set-aside for teacher quality in the recently passed class size legislation. (Cost: about \$210 million above FY99 budget). We are also exploring a politically interesting counter to private school choice: vouchers for private school teachers -- i.e., an incentive program to encourage private school teachers to teach in public schools. (DPC)

3. Work-Site Schools. One of the most promising new education ideas sprouting up around the country is the creation of public schools at work sites, designed primarily to serve employees' children. School districts provide the teachers and curriculum; companies provide facilities and upkeep. These schools-at-work serve a host of objectives at once, by (1) providing new facilities at no cost to the district; (2) increasing parental involvement in the schools and parental satisfaction in the workplace; (3) reducing employee turnover and absenteeism; and (4) increasing school diversity, because work sites are more diverse than residential neighborhoods. We propose a \$100 million increase in an existing discretionary program to provide grants to 100 communities to launch work-site schools. We also could seek a stand-alone bill (like the charter school law) to advance this idea.

In addition, we are working with Treasury to develop a tax credit for businesses that start on-site schools, similar to the Kohl business tax credit for on-site child care that is already in our budget. (Cost: \$100 million for start-up grants. No estimate yet for tax credit, but it will be very small.) (DPC/NEC)

4. Public School Choice. As support grows for private school vouchers, we must continue our efforts to expand choices within the public schools. Charter schools are one answer, and we recommend a \$20 million increase, to \$120 million, to keep us on track to 3,000 charter schools by 2002. Work-site schools are another. We also recommend increased funding for (1) an existing grant program that helps urban and suburban school districts reduce racial isolation by forming interdistrict magnet programs; and (2) magnet schools on university campuses, especially in urban areas. (Cost: \$25 million for interdistrict magnet programs; \$15 million for 10 university-based schools.) (DPC)

5. School Leadership Academies. Research has shown that an effective principal is the single most important indicator of school success, yet little has been done at the national or state level to improve the management skills of principals. We propose a small initiative to create school leadership academies that would provide training in management, teacher evaluation, school discipline, and other areas to elementary school principals in high-poverty districts. (Cost: \$50 million) (DPC)

6. Class size. To stay on course to reach 100,000 new teachers in seven years, we will ask for \$1.3 billion in the FY2000 budget. We are planning an ambitious rollout of the class size initiative over the next year, as we award first-year funding, issue guidance to local districts on how the program works, and so on. We also will press Congress to restore the local matching requirement and strengthen the provisions to require competency testing of new teachers. (DPC)

7. Adult Literacy. According to the National Adult Literacy Survey, 44 million adults struggle with a job application, cannot read to their children, or are left on the welfare rolls because they lack basic skills. We are considering: (1) Workplace: a new tax credit and/or Federal grants to encourage employers to provide adult basic education classes at the worksite, and setting aside funds for work-based literacy projects within Welfare-to-Work competitive grants (see welfare section of this memo); (2) Community: expanding the infrastructure and funding for adult basic education through the Adult Education program, encouraging the development of programs focused on easing the transition to the U.S. for new immigrants (through ESL and civics classes), subsidizing the provision of child care on college campuses and other adult education sites, and launching a national information campaign to make people aware of the problem of functional illiteracy and of available services; and (3) Home: using the new *Learning Anytime Anywhere Partnerships* to create software for adult basic education using \$200 computers (e.g., WebTV, game players) and subsidizing public housing projects that create computer literacy programs. (NEC)

8. National Campaign to Open Doors of College. Notwithstanding enormous strides we have made in reducing the financial barriers to college, too many families assume college is more expensive than it really is and are not aware of the aid that is available (Even among low-income youth with high test scores, one-fourth say they have not been able to get much information about financial aid for college). We are planning: (1) launching a major national public information campaign about college costs and financial aid (e.g. naming a national chairman such as Bill Cosby, having a national college visit day, etc.), (2) building on the authority in the new GEAR UP program, providing *every* middle school (e.g. 7th grade counselor) with the ability to give students a “21st Century Scholar Certificate,” indicating the financial aid that they are eligible for, and (3) seeking to provide *every* high-poverty middle school with a college partner. This does not require any new investment, just some focus and creativity. (NEC)

9. Improving the College Success Rate. Getting people in the doors of college is not enough to close the racial and income opportunity gaps. For example, only 21% of African-American and 18% of Hispanic students who begin college complete a bachelor’s degree within 5 years compared to 30% of White students. We are considering a package of policies, including: (1) a super-Pell grant for the lowest income families and/or to encourage a full-time focus on school in the first year of college (this would be expensive); (2) expanding successful mentoring and other support services in colleges (including those aimed at graduate school preparation); (3) promoting college course-taking while in high school; (4) improving matriculation between two-year and four-year colleges; (5) encouraging partnerships between predominately minority-serving and predominately majority-serving institutions of higher education (particularly to promote graduate study); and (6) establishing a bridge fellowship program for graduate study in science and technology fields for minorities and women. (NEC)

10. School Modernization. The current assumption is that we will repeat this year’s proposal for tax credits to build and renovate schools covering the interest on nearly \$22 billion in bonds. We are, however, critically comparing our current proposal against other possible mechanisms to ensure

we have the most effective approach. (NEC)

11. Further Expanding Junior ROTC. In response to the Los Angeles riots, Colin Powell proposed and Congress approved in 1992 an expansion of the high school-based JROTC. Since then, 1,000 units have been added primarily in urban areas, bringing the total to nearly 2,600 units with 400,000 participants. The budget increased over that period from \$76 million to \$166 million. There is a waiting list of more than 450 schools that would like to have a JROTC unit. Because DOD does not plan any further expansion, these 450 schools on the waiting list will not likely be added. We could propose adding another 900 units over the next few years, to reach the authorized maximum of 3,500. Cost: about \$235 million. (NEC)

12. Training American Workers for Current and Future Skills Gaps. We should challenge the private sector to make specific commitments to train more American workers, which they pledged to do during the debate on H1-B visas. They could provide more college scholarships for women and minorities, partner with community colleges to develop cutting-edge curricula, and encourage their employees to serve as telementors for middle school students to get them excited about math and science. In addition, we are working on: (1) a program to foster partnerships ("Regional Skills Alliances") between industry and training providers to train both employed and unemployed workers; (2) competitive grants to encourage companies to develop programs in which they subsidize the training of individuals who they then commit to hire; (3) extensions and/or expansions of some of the current training tax provisions (such as the lifelong learning tax credit and Section 127); and (4) a major informational/media campaign by the Departments of Education and Labor to inform all Americans about available training opportunities, financial aid, and job search assistance to allow them to develop the skills required for employment opportunities around the country. (NEC)

13. Making Job Training Universal. We are considering an initiative to make job training more universal. The first component of this initiative would be to seek a significant increase in dislocated worker funding -- about \$190 million -- so that we are on path to provide training to every dislocated worker who wants or needs it within five years. The second component would be to ensure that every unemployed person is eligible for core labor market services, e.g., job search assistance. The final component would be to take the steps necessary to ensure that every worker, regardless of where they live, would be able to have access to a One-Stop Career Center (where they can learn about job training, employment service activities, unemployment insurance, vocational rehabilitation, adult education, and other assistance.) (NEC)

14. Community Computing Centers. We have roughly 650 computing community centers, which empower low-income Americans in the Information Age by teaching them to type a cover letter and a resume, search for job vacancies on the Internet, or even start an Internet-related business. These efforts should be expanded. (NEC)

School safety -- see CRIME section

SERVICE (DPC)

1. **AmeriCorps Seniors.** In the wake of John Glenn's return to space, we have an opportunity to give other senior citizens a mission. **We propose adding \$25 million to the current AmeriCorps program to create a senior corps of 10,000 volunteers to serve as tutors and mentors and in afterschool programs.** We would build on a successful demonstration program that recruits seniors to serve 15-20 hours per week over a fixed period of time in schools and other community centers. In exchange, seniors would be eligible for small incentives, including awards to participate in senior learning programs. By inspiring responsibility among seniors, this initiative would provide an ideal complement to Social Security reform. John Glenn has expressed some interest in playing a role in AmeriCorps now that he's retired. We could invite him back to the State of the Union and place him in charge of a national effort to inspire seniors to serve. (Cost: \$25 million)
2. **Expand AmeriCorps.** We propose expanding the AmeriCorps program from its current level of 50,000 members per year to approximately 70,000 per year, with the goal of reaching 100,000 per year by the end of this Administration. These additional members could be targeted to serve primarily in after-school and summer school programs. (Cost: \$75 million)
3. *Expand Service Component of Work-Study Program.* **Nearly 1 million students now receive federal work-study funding. Despite our efforts, colleges and universities are required to use only 7 percent of their work-study money for students employed in community service. The higher education lobby would object, but we could propose a substantial increase in that requirement -- e.g., phasing it up to 25 percent over the next 3 years.**

HEALTH CARE AND DISABILITIES (DPC/NEC as specified below)

1. **Long-Term Care Initiative.** This package could include: (1) a tax credit of up to \$1,000 for people with three or more limitations in activities of daily living (ADL) or their caregivers, at a cost of about \$6 billion over 5 years; (2) a plan for OPM to offer federal employees a choice of high-quality private long-term care insurance policies at lower-than-market prices; (3) a family caregiver support program, costing about \$500 to \$750 million over five years, that would provide grants to states for "one-stop shops" to assist families who care for severely impaired elderly relatives through counseling, training, and respite services; and (4) a nursing home quality initiative, costing about \$500 to \$750 million over five years, that would include new enforcement provisions (e.g., increased penalties), new funds for surveys of repeat offenders and improved surveyor training, and perhaps a new commission to oversee HCFA's nursing home enforcement efforts and to investigate other kinds of facilities where health care is offered (e.g., assisted living facilities). (DPC/NEC)
2. **Health Insurance Coverage Expansions.** We could propose again, in new and improved forms: (1) an initiative to encourage small businesses to form purchasing cooperatives for health insurance, costing about \$50 to 100 million over 5 years; (2) proposals to improve outreach for children's health insurance; and (3) a proposal, more limited than last year's, to

provide a Medicare buy-in for certain people ages 55 to 65, benefiting about 30,000 people and costing \$500 million over 5 years. (DPC/NEC)

3. **Biomedical Research.** We should again propose an increased investment in biomedical research -- perhaps (depending on how we treat tobacco money in the budget) between \$500 million and \$1 billion. (DPC)

4. **Antibiotics (Super Bug) Initiative.** Resistance to antibiotics is becoming a public health crisis, causing prolonged illnesses and even death. A new initiative, costing about \$25 million each year, could address this problem through: (1) a major outreach and education campaign involving hospitals, health professionals, and managed care organizations; and (2) new research and surveillance efforts to understand where and why antibiotic resistance occurs and to develop effective responses. (DPC)

5. **Bioterrorism Initiative.** This initiative, costing \$100-300 million each year, would: (1) train epidemic intelligence officers who can coordinate with state health departments to identify and respond to attacks; (2) develop a mass casualty emergency response system that includes primary care, emergency transportation, and decontamination abilities; (3) create and maintain a stockpile of pharmaceuticals; and (4) improve research to develop new vaccines and antibiotics to be used in the event of attack. (DPC)

6. **Prescription drug coverage for Medicare beneficiaries.** We are considering a variety of proposals to address the lack of coverage for prescription drugs in Medicare, including a means-tested Medicaid option, an approach that would apply only in managed care, a traditional benefit for all beneficiaries, and an unsubsidized purchasing mechanism that uses Medicare's size as leverage for drug discounts for beneficiaries. If desirable, a proposal could be included in the budget or coordinated with the March release of the Medicare Commission's recommendations. The cost varies significantly depending on the proposal, ranging from \$1 to 20 billion a year. A proposal of this kind probably would depend on tobacco funding (see tobacco section below). (DPC/NEC)

7. **Protecting beneficiaries from HMO withdrawals from Medicare.** This year, a number of HMOs pulled out of Medicare with only a few months notice, leaving 50,000 beneficiaries with no plan options in their areas. You announced that the Administration would develop legislation to prevent this behavior in the future, and we are currently reviewing the best approaches. (DPC)

8. **Redesigning and increasing enrollment in Medicare's premium assistance program.** Over 3 million low-income Medicare beneficiaries are eligible but do not receive Medicaid coverage of their Medicare premiums and cost sharing. Many more may not get enough assistance through a new provision that is supposed to help higher income beneficiaries. We are developing a range of proposals, costing up to \$500 million over five years, to use Social Security Offices to educate beneficiaries about this program, reduce administrative complexity for states, and give them incentives to engage in more aggressive outreach efforts. (DPC/NEC)

9. Disease Initiatives. We are working on several initiatives designed to combat particular diseases. These initiatives, which you could choose to do individually or in combination, are: (1) an asthma initiative, which will curb recent steep increases in asthma cases especially among young children, by disseminating new treatment guidelines to state and local public health programs and encouraging them to work with schools, child care organizations, businesses, and other community organizations; (2) a mental illness initiative that will accompany a Surgeon General's report on this subject (and perhaps a White House Conference recommended by Mrs. Gore) and will include public-private partnerships to improve access to prevention and treatment, reforms in federal health programs to improve delivery of mental health services, and funding increases in the mental health block grant; and (3) a heart disease initiative, which could include: a new partnership with aging networks to evaluate and improve nutrition; efforts to measure successful prevention approaches and replicate them nationwide; and the creation of a network of educators, churches, and community-based organizations to launch a nationwide awareness campaign. In each of these initiatives, the public health efforts described above would supplement NIH funding of research projects. The estimated cost of these initiatives is \$50 million for asthma, \$100 million for mental illness, and \$20 million for heart disease. (DPC)

10. Food Safety. We are working on a food safety initiative that will highlight safety standards and enforcement. Included in this initiative are: (1) a repackaged and somewhat modified legislative proposal giving the FDA and USDA additional enforcement powers (e.g., mandatory recalls and civil penalties); (2) additional food-specific regulations and/or guidelines (e.g., for certain fruits and vegetables); and (3) more extensive adoption of our model codes for restaurants and food service workers. In addition, we will focus on improving coordination with state and local agencies that regulate food safety in order to develop a wholly integrated national inspection system. (DPC)

11. Disability -- Health. A health-related disabilities package could include: (1) the Jeffords-Kennedy Work Incentives Improvement Act, which enables people with disabilities to go back to work by giving them an option to buy into Medicaid and Medicare, at a cost of about \$1.2 billion over 5 years; (2) a proposal, costing \$50 million over five years, to promote the deinstitutionalization of Medicaid beneficiaries by developing viable community-based care alternatives for people residing in nursing homes after a "date certain"; and (3) a proposal to make Medigap supplemental insurance more accessible to people with disabilities.

12. Disability -- Getting People to Work. A work-related disabilities package could include: a tax credit of \$1,000 to \$5,000 for working people with disabilities to assist them in paying for the costs associated with employment, at a cost of about \$1 to 2 billion over 5 years; a new competitive grant program, developed by your disabilities task force, to increase the employment rate of adults with disabilities; and efforts to ensure that new technologies are designed so as to be accessible to people with disabilities (see technology section). (DPC/NEC)

TOBACCO (DPC)

1. State Menu. Our best vehicle for enacting tobacco legislation next year will be a legislative waiver of federal Medicaid claims to the states' expected \$200 billion settlement with the tobacco companies. We will seek bipartisan agreement on a menu of uses for the federal share of state money, with tobacco control and child care as our top priorities. We will try to use this measure as a vehicle for other key elements of our tobacco policy, such as FDA jurisdiction and warning labels.

2. Price Increase. One of the most difficult budget decisions will be whether to assume a tobacco tax increase in our budget request, and if so, what to do with the money. There are strong arguments on each side of the question whether to include a tobacco tax increase in our budget. If we *do* assume tobacco revenue, the candidates for it include: (1) assistance to tobacco farmers (about \$1 billion a year); (2) the long-term care tax credit (about \$1 billion a year); (3) other tax cuts, such as a child care / stay-at-home tax credit and/or a reduction in the marriage penalty; (4) NIH research; (5) public health programs; and (6) the Medicare trust fund and/or a new prescription drug benefit for Medicare beneficiaries.

3. Medicare Suit Against Tobacco Companies. Our best leverage over the tobacco industry is the prospect of a federal suit to recoup Medicare costs associated with smoking. We could call on Congress to enact Senator Graham's legislation to authorize such a lawsuit (which would make the Justice Department more likely to bring it). At the same time, we could ask for funds for DOJ and HCFA to prepare a lawsuit against the tobacco industry. We could go further and pledge that any proceeds from such a lawsuit would be used either to extend the life of the Medicare Trust Fund or to provide a new prescription drug benefit to Medicare beneficiaries. (Cost: to be determined, but probably small).

FAMILIES AND CHILDREN (DPC/NEC as specified)

1. Expansion of the Child Care and Development Block Grant (old policy). We propose to expand the Child Care and Development Block Grant as we did in the FY 1999 Budget. The block grant is the primary federal child care subsidy program, helping low-income working families to pay for child care. Currently, between one and two million children are served by the program, leaving roughly nine million children who are eligible but unserved. This proposal would cost at least \$7.5 billion over five years. (DPC)

2. Tax Relief for Parents, Including Parents who Stay at Home. We are considering replacing our last year's proposal to expand the Child and Dependent Care Tax Credit with a new proposal to benefit all parents, including those who stay home. This change will address the criticism that our child care initiative did little for stay-at-home parents. We are reviewing proposals to (1) double the child tax credit to \$1,000 per child for all children under the age of four, at a cost of about \$12 billion over five years; (2) increase the standard deduction for each child under the age of three by \$1,000, at a cost of about \$3 billion over five years; or (3) expand the Child and Dependent Care Tax Credit as we did last year *and* extend its benefits to parents with children below age three by assuming minimum child care expenses of \$150 each month, at a total cost of about \$21 billion over five years.

Each of these proposals can be dialed up or down by adjusting either the age threshold or the dollar amount. (DPC/NEC)

3. Tax Credit for Businesses Providing Child Care. We could again propose to provide a tax credit to businesses that provide child care services for their employees. The credit, which covers 25% of qualified costs but may not exceed \$150,000 per year, costs \$500 million over 5 years. To further build on this concept, we also propose to provide tax credits to businesses that provide on-site schools (see education section). (DPC/NEC)

4. Parent Paid Leave Plan. Many workers cannot afford to take unpaid leave following the birth or adoption of a child, even though they have access to an unpaid leave policy through FMLA or voluntary employer benefit plans. To address this problem, we are considering a proposal to provide eligible parents who already have access to unpaid leave with partial wage replacement for a set period of time. The cost of the program, which would be administered through the Unemployment Insurance System, varies according to the selected eligibility criteria. If we choose, for example, to give \$200 per week for four weeks to new parents with median income (about \$37,000) or below, the cost will be about \$875 million for FY 2000 (including start-up and administrative expenses). (DPC)

5. FMLA Expansion to Businesses with 25 Workers (old but unarticulated policy). Under current law, workers are eligible for FMLA coverage only if they work at a business with *50 or more* employees and if they have worked at least twelve months and 1,250 hours for the employer. In your last State of the Union, you called for covering more workers under the FMLA, but did not fully articulate how you would do so. We could now advance a specific proposal to lower the FMLA threshold to 25 or more workers, which would expand coverage for up to ten million more American workers. (DPC/NEC)

6. Parent Education and Support Fund. We are considering proposals to create a competitive grant program administered by HHS to fund parent education and support programs, including home visitation programs and "second chance maternity homes" to support teen mothers and teach parenting skills. This fund could cost about \$500 million over five years. (DPC)

7. Adoption Registry. We are working on plans to create an Internet-based adoption registry of foster care children waiting to be adopted, so that prospective adoptive parents can learn about these waiting children. Funding this registry would require a very small increase in HHS's Adoption Opportunities Grant Program. (DPC)

CRIME (DPC)

1. Crime Bill II. The 1994 Crime Act will expire at the end of the FY 2000 budget cycle, guaranteeing that the next Congress will consider major crime legislation. We recommend that you get a jump on this debate by using your State of the Union and FY 2000 budget to challenge Congress to pass a new crime bill that builds on the core elements of the successful 1994 Act -- more police, smarter punishment, and more prevention. Most of the money required is already built into future budgets; continuation of the COPS program, however, will require new funds totaling about

\$1 billion. We believe that a new Crime Act should include the following elements:

- **Community-Oriented Policing and Prosecution Services (COPPS).** Your pledge to help fund 100,000 more police is likely to be fulfilled before the end of next summer. A new COPPS initiative (note the extra “P” for “Prosecution”), costing about \$1.4 billion in the first year, could include funds to: (1) hire, redeploy, and retain an estimated 7,500 more police each year; (2) provide modern technology and equipment and support training in modern policing techniques, with a special emphasis on “hot spots” technology; (3) hire, train, and equip prosecutors to join local police in fighting crime on a more community-based, proactive basis; and (4) support partnerships between law enforcement and community-based groups to prevent crime in their areas.
- **A new focus on probation supervision and coerced abstinence.** The punishment title of the crime bill now focuses largely on prison construction; we recommend shifting the focus to a new “Certainty of Punishment” initiative that will support the expanded use of probation supervision and of drug testing and treatment.
- **Gun initiatives.** A new crime bill should include your longstanding firearms priorities -- juvenile Brady, Brady II, federal CAP legislation and child safety locks. It also could include new proposals to: (1) close the loophole that exempts many firearms sales at gun shows and flea markets from Brady background checks; (2) expand the Youth Crime Gun Interdiction Initiative (YCGII) -- to trace all crime guns and investigate gun traffickers -- to an additional 20-40 cities; and (3) assemble gun strike forces -- teams of federal prosecutors and ATF agents, acting with local law enforcement -- to target cities with high levels of gun violence and crack down on gun traffickers.
- **Values-based crime prevention initiative.** In addition to other crime bill prevention programs, we could invest in promoting values-based crime and violence prevention efforts, such as those of Rev. Eugene Rivers. Funds from this program would go to comprehensive prevention programs run by faith-based and other institutions seeking to instill and reinforce common sense values in troubled youth.

2. Safe, Disciplined, and Drug-Free Schools. At the White House Conference on School Safety, you announced that you would overhaul and strengthen the Safe and Drug-Free Schools Program. Under this proposed reform, funds will be appropriately targeted to schools with serious drug and crime problems, and schools will have to adopt rigorous, comprehensive school safety plans that include: tough but fair discipline policies, such as zero tolerance for guns and drugs; safe passage to and from schools; effective drug and violence policies and programs; annual school safety and drug use report cards; links to after school programs; efforts to involve parents; and crisis management plans. We also could include in this package (1) funds for states that adopt a policy of drug testing first-time applicants for drivers’ licenses and (2) funds for school districts that adopt a policy of drug testing middle and high school students with parental consent. We believe that these reforms will require up to \$450 million in new funding in

FY 2000.

3. Parity for Substance Abuse Treatment. Appropriate substance abuse treatment remains unavailable to nearly half of the people who need it. To help fill this treatment gap, we could propose legislation to encourage parity between substance abuse treatment and other medical benefits. Similar to the Mental Health Parity Act signed into law in 1996, a current draft of this legislation would prohibit health care plans that provide a substance abuse benefit from setting annual or lifetime dollar limits on this benefit at a lower level than those for other medical and surgical benefits. At the same time, we would have to ensure that federal health programs provide parity between substance abuse treatment and other medical benefits; we are still exploring the cost of any necessary reforms to these programs.

4. Binge Drinking. We are working on a number of proposals regarding alcohol abuse, including (1) promoting a voluntary code for alcohol advertisements directed toward minors; (2) banning alcohol billboards near schools; (3) discouraging alcohol advertising on youth-oriented web sites; (4) and funding educational efforts about the dangers of alcohol consumption.

PENSIONS (NEC)

1. Expanded Private Pension Plan Coverage: Last year, you announced several initiatives to expand pension plan coverage which were not enacted, but which we continue to believe are important and have substantial support on the Hill. We should again call for legislation that: authorizes a simplified plan for small businesses that combines the best features of a defined benefit and defined contribution plan (SMART), costing \$313 million over five years; provides a three-year tax credit to encourage small businesses to set up retirement programs, costing \$508 million over five years; and authorizes payroll deductions for IRAs. We are exploring ways to expand coverage for moderate and lower-income workers. Consideration is also being given to ways of enabling multiple small businesses to pool together for pension plan administration.

2. Women's Retirement Security: To underscore the importance of pensions for women's retirement security, you would call for legislation enacting the two initiatives you announced in late October -- namely, that time taken under FMLA should count toward retirement plan vesting requirements and mandating that employer plans offer an option that pays less while the retired employee is living but pays a survivor benefit equal to at least 75 percent of the benefit the couple received while both were alive.

3. Pension Portability: You could renew your call for reducing vesting requirements from five years to three years for employer matching contributions to 401(k) and other plans to reflect an increasingly mobile workforce, and more workers moving in and out of the workforce over a lifetime. We are also exploring various options that would increase pension portability and facilitate the movement of retirement savings between plans, where this can be done without encouraging "leakage" or loss of worker protections -- e.g., providing that federal employees can

roll over retirement savings from private sector qualified plans into the federal Thrift Savings Plan.

4. Expand Pension Right to Know Provisions: You could call for a pension right to know package that provides for both workers and their spouses general information relating to retirement needs and their benefits under employer retirement plans. In addition, an employee's spouse should have the same rights to get information as the employee, before waiving the statutorily provided survivor protection. You should call for a Pension Right to Know package that provides information for both workers and their spouses. We are also working on an employee education program that would provide employees with the tools they need to work with their employers to provide pension plans, and are thinking about how to encourage courses in high schools on the importance of savings and other general investment education (which can be combined with the Consumer Literacy and Education campaign described below). Consideration is also being given to a savings stamp book program in the schools (sell savings stamps in very small amounts; when the book is full, turn it in for a U.S. savings bond) to help educate the young about how to reach savings goals.

5. Increase Retirement Security: To promote security, we are continuing to work on the pension audit bill, changes to the multi employer (collectively bargained) plan rules, and expansion of PBGC's missing participant program.

COMMUNITY EMPOWERMENT (DPC/NEC for all)

1. CDFI Tax Credit. We are looking at a proposal to extend tax incentives to encourage investment in CDFIs, which would leverage additional private investment in distressed areas and stimulate the economic revitalization of those areas. Under the proposal, \$100 million in non-refundable tax credits would be made available to the CDFI Fund to allocate among equity investors in qualified CDFIs using a competitive process.

2. Microcredit Initiative. We are working to identify means to increase support for microenterprise finance, both domestically and internationally. We are examining whether to build on Senators Kennedy's and Domenici's PRIME legislation which would provide technical assistance to microenterprise. We are also looking at increased funding for CDFI initiatives specifically targeted to microenterprise. On the international side, we are looking at whether we can increase microenterprise funding through USAID or MDBs, especially to countries hardest hit by the financial crisis.

3. Clean Water, Parks, and Communities Bonds. We are examining three proposals to encourage "green" infrastructure projects. The first model uses the same financing mechanism as your school construction proposal for a menu of projects: protecting and improving water quality; cleanup of contaminated sediments; waterfront reclamation and revitalization; stormwater runoff control; purchasing of green spaces to prevent sprawl; park enhancements and revitalization, and brownfields cleanup. The second model, which provides a smaller incentive than the first model,

would create new tax-exempt bond authority for these state and local areas to invest in clean water, parks, and communities. The advantage of this model is that it builds on the current system of bond finance. The final model would allocate tax credits (like the Low-Income Housing Tax Credit) to states and local areas to provide to the developers of these green infrastructure projects.

6. Low-Income Housing and Homeownership Tax Credits. We recommend that you again propose a 40-percent expansion of the Low-Income Housing Tax Credit, which would help develop an additional 150,000-180,000 affordable housing units over the next five years, at a cost of \$1.6 billion over five years. In addition, we are examining two kinds of tax credits to promote homeownership among lower-income families. The first proposal would use the model of the Low-Income Housing Tax Credit to create a Low-Income Homeownership Tax Credit. Under this proposal, low-income families would receive a low- or zero-interest second mortgage, which would reduce their upfront costs (e.g., downpayment and closing costs) and investors would receive tax credits in return. The second proposal is a \$5,000 tax credit for first-time homebuyers in Empowerment Zones or Enterprise Communities. Finally, you can call on Congress to accelerate the increase in the volume cap on private activity bonds, which would help states and localities provide below-market mortgages to first-time homebuyers with relatively low incomes.

7. Housing for the Elderly Initiative. This proposal is designed to improve housing for elderly people and thereby provide an alternative to nursing home care. In addition to providing capital to improve and modify such housing to meet the needs of elderly residents, the initiative would provide housing vouchers for low income elderly who live in housing developed through the Low-Income Housing Tax Credit. Because the tax credit helps subsidize rent, this proposal would allow us to leverage our resources and provide more vouchers to the poor elderly.

8. Re-Develop 10,000 Abandoned Buildings. Abandoned buildings are a symbol of urban blight, and an action plan to turn this around will be a powerful signal of change. We are examining different proposals to help re-develop 10,000 abandoned buildings, combining several existing programs or providing grants or tax incentives to spur private-sector redevelopment of these sites.

9. Homelessness. We are working on a three-part proposal that would: (1) assist the approximately 250,000 homeless veterans by increasing residential alternatives, community-based contracted care, job preparation activities, stand down activities (community-sponsored events that conduct one-stop service delivery programs for homeless veterans), the distribution of clothing, and long-term housing; (2) allow VA to sell surplus property with 10 percent of proceeds going to homeless veterans; and (3) start a demonstration project targeted to the chronically homeless to test the most promising models for moving the chronically homeless to self-sufficiency using a combination of permanent housing and links to mainstream services. Cost: \$105 million -- \$60 million for VA and \$45 million for HUD demonstration project.

RURAL/AGRICULTURE (NEC/DPC as specified)

1. Strengthening the Safety Net. To help farmers suffering from the depressed export markets and natural disasters, we are considering various reforms of the crop insurance program and closing gaps in the emergency loan program. We are paying special attention to programs that will help small family farms. (NEC)

2. Bringing the knowledge of land grant colleges to every rural American: The USDA spends \$1.6 billion on agricultural research, much of it at America's land grant colleges and universities. The government could provide grants to ensure that this information is available on the Internet and is well-organized --so that all rural Americans can easily access information on topics such as crops, livestock, rural development, natural resource conservation, and food safety. (NEC)

3. Emergency Medical Services in Rural Areas. The presence of viable emergency systems is critical for residents in rural areas, because of the high rates of injury associated with jobs in these areas and the long distances to health providers. This proposal, costing about \$50 million, would provide funds to States and local communities to improve access to 911 services or alternative emergency systems. It also would fund programs to help rural communities train local citizens in CPR and first responder techniques and to recruit and retain emergency personnel. (DPC)

4. Rural Transportation. Transportation is crucial to the efforts of residents and businesses in rural America to improve the livability of their communities and expand their economic activities. We are developing a rural transportation initiative that will help those who live and work in rural areas by improving the ability of farms and businesses to obtain materials and move their products to markets, and by making it easier for small communities to attract additional commercial jet air service. (NEC/DPC)

TECHNOLOGY (NEC)

1. Curbcuts on the Information Highway. We are looking at several options that would make information technology usable by people with disabilities in a manner that improves their lives: (1) investing in R&D (e.g., text-to-speech, automatic captioning, speech recognition); (2) giving disabilities groups a seat at the table as the standards for new technologies are developed; (3) making the government a model "user" of accessible technology; and (4) explore opportunities for greater deployment. In addition, the tax credit for work-related impairment expenses for people with disabilities could be used to expand the market for assistive technology.

2. A Digital Library for Science, Math and Engineering. We need to get every young student and undergraduate excited about math, science and engineering. We are exploring creating a "digital library," which would contain lectures from Nobel Prize laureates, have an ability to track and replicate cutting-edge scientific experiments, and make it easier for students and teachers to locate the best instructional material on the Internet.

3. Information Technology Research Initiative. Increasing our investment in information technology research, which is currently about \$1 billion of the federal research budget, could lead to the following breakthroughs: supercomputers that can more rapidly perform important functions, such as designing life-saving drugs and predicting severe weather systems; wireless networks that can bring telemedicine and distance learning to rural America; a device of the size of a paper that could monitor the vital signs of a senior citizen, send a "911" message in the event of a medical emergency, and provide an exact location using global positioning technology; new software tools that can help us cope with "information overload" by discovering patterns in huge quantities of data; and intelligent spacecraft that can explore the Solar System. Options have been developed at roughly \$100, \$200 and \$400 million in FY2000; and \$1, \$2 and \$3 billion over 5 years.

4. 21st Century Research Fund. One initiative that you announced in last year's budget that we think is important to continue is the 21st Century Research Fund -- which provided across-the-board support for civilian R&D at agencies such as NIH, NSF, and Energy. For FY99, Congress provided a 10 percent increase for basic research, so this is an area where bipartisan cooperation is possible. Currently, the FY2000 budget reflects only a 2% increase in civilian research.

WELFARE REFORM, CHILD SUPPORT ENFORCEMENT, AND CHILD WELFARE (DPC)

1. Reauthorize the Welfare-to-Work Program. Congress authorized the Welfare-to-Work Program for only two years; if we wish to continue our current investment in the hardest-to-employ, we will have to propose a reauthorization of about \$1.5 billion annually. Within this funding level, we propose several set-asides, totaling \$500 million, for the following specific purposes: (1) work-based English-language literacy projects for immigrants and others; (2) work-based substance abuse testing and treatment programs; (3) employment services for welfare recipients with disabilities; and (4) a work-based program to promote responsible fatherhood, including efforts to increase low-income fathers' employment and earnings and ensure that they provide financial and other support to their children. At the same time, we should (1) seek an additional 50,000 welfare-to-work housing vouchers, and (2) call on Congress to make permanent the Welfare-to-Work Tax Credit and the Work Opportunity Tax Credit, both of which now expire on June 30, 1999.

2. Child Support. One initiative, costing just a few million dollars each year, would increase the prosecution of egregious child support violators by establishing multi-agency teams, working with state and local law enforcement, to identify, analyze, and investigate cases for prosecution. A pilot project of this kind is already under way in five states; this proposal would put these units in place all across the nation within the next several years. A second initiative would seek legislation to exclude doctors and other health care providers who are delinquent in child support from the Medicare program or from programs offering health professional loans.

3. Children "Aging Out" of Foster Care. Each year, nearly 20,000 18-year-olds "age out" of the public child welfare system. Federal financial support for these young people ends just at the time they are making the critical transition to adulthood. Areas for increased investment for these young

adults include: (1) expanding the independent living program, which provides services to foster care children in this age group; (2) expanding the transitional living program, a competitive grant program that funds community-based organizations that provide services to this population, including housing support; and (3) giving states the option of using Federal Medicaid dollars to provide health care coverage for this population. (Cost: roughly \$150 million each year)

CIVIL RIGHTS AND WOMEN'S RIGHTS (DPC)

1. Equal Pay. We are working on a program to be run by the EEOC and DOL to increase outreach to businesses and employees about equal pay requirements, provide technical assistance to businesses seeking to comply, improve training for EEOC employees, and expand enforcement capabilities. In addition, the program will fund research on the nature and extent of wage discrimination, as well as a new Women in Non-Traditional Occupations Initiative designed to improve access of women into occupations such as construction and high technology. Cost: about \$20 million for EEOC and \$10 million for DOL.

2. Abortion Violence. We are working on a comprehensive initiative to address violence against providers of reproductive health services. This initiative may include: (1) a National Task Force established by the Department of Justice that will conduct investigations of abortion violence, collect and collate information related to clinic violence, and provide training to federal, state, and local law enforcement personnel on how to address this problem; (2) special security measures, including stepped-up U.S. Marshal support, at clinics identified to be at risk of violence; and (3) federal guarantees of loans taken out by clinics that must rebuild after they have been attacked. Cost: Unknown at this time.

TRANSPORTATION (NEC/DPC as specified)

1. Reauthorization of the FAA, with Focus on Modernization and Competition. A blue-ribbon bi-partisan panel concluded last year that the air transportation system faces "gridlock" within a decade without sweeping changes. We are considering various policy options to incorporate into the FAA reauthorization that you will propose in 1999 (it is a must pass this year) that will: (1) improve the efficiency and capacity of the nation's aviation system, and (2) enhance competition and service to rural areas. Some of the components of this initiative would include: centralizing the air traffic control services (ATS) in a performance-based organization (recommended by the bi-partisan panel); financing ATS for commercial aviation through cost-based user fees (supported by the major airlines); increasing Passenger Facility Charges (PFCs) to finance airport expansion nationwide (supported by state and local governments); modifying federal rules on how airports can use PFCs and other funds to encourage new airline entrants; and enhancing service to underserved areas.

We are also looking at ways to further competition in international aviation. The Administration has extended the benefits of competition by negotiating dozens of bilateral open-skies agreements. We could press our trading partners for World Wide Open Skies and explore lifting other restrictions on foreign aviation investment and operation on a reciprocal

basis. (NEC)

2. Auto Safety. We are making headway on auto safety. Last year, the number and rate of auto fatalities declined. However, we still have a long way to go -- more than 40,000 Americans die in auto accidents each year, at a direct cost of \$150 billion. The keys are seatbelts (more) and alcohol (less). We are working on a comprehensive initiative that would include: (1) meeting the President's goal of 85 percent seatbelt compliance by the year 2000, which would save 4,000 lives and nearly \$7 billion; (2) promoting education initiatives like the Buckle-Up America campaign; (3) enforcing the TEA-21 requirement that states lower the legal blood alcohol content level from .10 to .08; and (4) pushing a new Administration initiative on children's safety that will target auto accidents, among other problems, by promoting the use of child safety seats, booster seats (for children ages 4-8), and bicycle helmets. (NEC/DPC)

3. Transportation Needs of the Aged. With the number of Americans over 65 expected to grow by half by 2020, we should begin addressing the need to ensure their continued mobility, independence and safety in their later years. We are only beginning to look at this issue with DOT, which plans to hold six town meetings soon with senior citizens, medical experts, transportation safety specialists, and others to discuss the problems and challenges and identify best practices. The U.S. will host an international conference on this topic next year, in connection with the United Nation's Year of Older Persons. This may be combined with the long-term care and the housing for the elderly initiatives. (NEC)

4. "Smart Growth" and Sustainable Development. One of the biggest challenges facing America's communities is that "sprawl" development is threatening the long-term economic vitality and quality of life in America's urban, suburban and rural areas. Although land use decisions should remain the domain of state and local government, the federal government can be an effective partner. First, we will continue investing in sustainable transportation. TEA-21 authorizes a record \$41 billion over the next six years for transit; increases tax-free transit benefits; and expands communities' ability to transfer funds from highway construction to transit, bicycle and pedestrian programs, telecommuting and other forms of transportation that reduce congestion and pollution. Second, we will provide incentives to make it easier for communities to pursue smart growth policies, by exploring ways cities can capture the air quality benefits of sustainable development and by supporting a private sector initiative that would encourage mortgage lenders to consider the savings from "location efficiency" in making mortgage determinations for homebuyers. (NEC)

ENERGY (NEC)

1. Electricity Restructuring. You could call on Congress to enact legislation, to make the electricity industry more competitive and to provide more choices for industrial, commercial and residential customers. The Administration's Comprehensive Electricity Competition Act will save consumers \$20 billion a year. Retail competition will not only improve efficiency, but also reduce the two-thirds waste of energy currently associated with fossil-fuel generation of

electricity, thereby cutting greenhouse gas emissions. Prominent Republicans have included electricity restructuring on their list of priorities for 1999.

2. Distributed Generation ("Micropower"). To increase the consumer savings and environmental benefits from electricity competition, the Administration will pursue legislation to eliminate obstacles to the use of small, clean efficient generation technologies (e.g., fuel cells and photovoltaics) that can be installed at or near the electricity user's site. Moving from large, central-station generation of electricity to distributed generation by small, clean sources is analogous to the move from mainframe computers to personal computers.

FINANCIAL SERVICES (NEC/DPC as specified)

1. Consumer Financial Literacy and Education. We are currently developing a set of proposals to promote consumer financial awareness and enhance consumer credit literacy, ranging from a public awareness campaign to establishing an educational clearinghouse to disseminate quality curricula to high school students. We are also working on a study to identify what the biggest problems are with how Americans use consumer credit, and what basic banking services and steps they can take to help themselves (this may be very important if bankruptcy reform is a live item next year). Part of our focus is on reaching out to low-income households, building on (and expanding) two existing government programs -- Treasury's Electronic Funds Transfer program that was a first step in helping the "unbanked" enter into electronic commerce and a USDA extension program that is providing some (limited) services to rural low-income families. This proposal would cost \$5-10 million. (NEC)

2. Consumer Financial Bill of Rights. In order to respond to the outrage consumers feel about ATM surcharges, without supporting economically questionable regulation of ATM fees, we are considering a proposal either for the government or for financial institutions voluntarily to make publicly available a list of basic banking services and fees on an individual or geographic basis to be published periodically over the Internet. The services profiled would include, but would not be limited to, charges for access to ATMs. We are also considering the adequacy of current credit card disclosure requirements (again, relevant to bankruptcy reform) and other areas where information about financial service arrangements would be helpful to consumers. This would cost \$3-5 million. (NEC/DPC)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-NOV-1998 11:04:02.00

SUBJECT: Weekly

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

TEXT:

when am i going to get the weekly?

----- Forwarded by Elena Kagan/OPD/EOP on 11/13/98 11:03 AM -----

Phillip Caplan

11/13/98 10:54:55 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP
cc: Laura Emmett/WHO/EOP
Subject: Weekly

As you may have heard during the staff meeting this morning, I need to get weeklies to the POTUS tonight given his trip tomorrow. I know it will be tough, but I really should have it by 6:00ish. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-NOV-1998 14:58:11.00

SUBJECT: Meeting

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 11/13/98 02:58
PM -----

Caroline R. Fredrickson

11/13/98 02:36:10 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Meeting

Do you have any free time next week? I've got a number of meetings on Monday, but only one on Tuesday (the H2A meeting). Maybe we could meet before the Tuesday H2A meeting? Otherwise, I'm generally free as of now for the rest of the week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-NOV-1998 11:17:30.00

SUBJECT: Re: Could you ask Josh...

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

READ:UNKNOWN

TEXT:

that's more than i thought it would be.

----- Forwarded by Elena Kagan/OPD/EOP on 11/16/98 11:17 AM -----

Cynthia A. Rice
11/16/98 10:33:58 AM
Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc: Elena Kagan/OPD/EOP, Christa Robinson/OPD/EOP
bcc:
Subject: Re: Could you ask Josh...

They've run the numbers, and they think we should say "between \$.40 and \$.50 per pack."

Essentially, the estimates start at \$.39/pack in year 1 and reach \$.53/pack in year five (in FY '99 dollars).

Bruce N. Reed
11/16/98 09:54:17 AM
Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc: Elena Kagan/OPD/EOP
Subject: Could you ask Josh...

how much OMB is scoring this at? 40 cents?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-NOV-1998 11:22:13.00

SUBJECT: Re: TOBACCO

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

TEXT:

that's great; we'll put you to use.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL) -

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

CREATION DATE/TIME:17-NOV-1998 14:31:59.00

SUBJECT: Stem cell research

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 11/17/98 02:31
PM -----

Jerold R. Mande

11/16/98 06:34:05 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Neal Lane/OSTP/EOP, Christopher C.
Jennings/OPD/EOP

cc: Sarah A. Bianchi/OPD/EOP, Clifford J. Gabriel/OSTP/EOP, Rachel E.
Levinson/OSTP/EOP

Subject: Stem cell research

I want to urge that we try to redefine the stem cell/cloning debate. The term "embryo" is being used too broadly, to the advantage of our right-to-life opponents, and to the harm of patients who could benefit from prohibited research. The letter Potus sent Shapiro implies embryos are being created where they are not. We should seek consensus that remodeling (turning back on all of the genes) of DNA from a human somatic cell does not produce an embryo (even when scientists fuse a somatic cell with what was once an egg -- "once" because with its nucleus removed the egg is merely a chemical factory that is being used to turn on genes). Embryo in this debate should be reserved for "the prefetal product of human conception (Webster's II)." For there to be an embryo there must be conception -- creation of a potential human being. Despite Dolly, it is only a theory that the DNA in a human somatic cell can be remodeled to produce a human being. We should state without reservation that we oppose human cloning, but we should not ban various techniques and processes because such techniques and processes might make cloning more likely. We should stop affixing the term embryo to reactivating an individual's DNA for the purposes of producing cell lines or tissue for therapeutic uses. I recognize redefining the debate at this stage will be difficult. Sensational coverage of cloning has created a powerful lens through which the public views the stem cell debate. Too many experts have fallen into the trap of labeling remodeled somatic cells as embryos. But it is possible to draw a bright line between conception and reactivating somatic cells even when it involves components from eggs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-NOV-1998 15:53:02.00

SUBJECT: Re: VP - Thurs

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

TEXT:

fyi -- you should be able to get the two prior messages from this one.

----- Forwarded by Elena Kagan/OPD/EOP on 11/17/98 03:52
PM -----

Ron Klain @ OVP
11/17/98 02:46:48 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc: Elena Kagan/Opd/Eop, Sarah A. Bianchi/Opd/Eop, Patricia M. Ewing/OVP @ OVP
Subject: Re: VP - Thurs

Of course, he should not contradict what the President said yesterday. But right now, public health groups are lobbying the states not to sign on to the agreement; AGs are lobbying states to sign on to the agreement -- do we have a position? If so, why? What analysis do we possess that indicates that we have a reason to believe that a particular state would be better off under this agreement than they would be pursuing their own lawsuit -- or vice versa? I just don't understand what basis we would have for offering states any advice on this question -- any more than we advised them to sue or settle in the first place.

As for the rest, I think it is key that we not attack the settlement -- but also, that we not allow the tobacco industry to portray the settlement as more than it is. It does not penalize tobacco companies for continuing to market to minors; it does not provide financial inducements to reduce marketing to minors; it does not provide the FDA with jurisdiction to prevent marketing to minors. Again, that is not the fault of the AGs -- that is not what they were trying to do with this deal. But in making it clear why Congress needs to act, we must make it clear what is the unfinished business left after this settlement is reached.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-NOV-1998 14:09:21.00

SUBJECT: Re: Stem cell research

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

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

TEXT:

somehow the importance of all this is eluding me. and i know that if we have to educate the public on what a totipotent cell is, we're in big trouble.
I'm assuming that you're talking to neil and rachel about what we can expect from nbac tomorrow (and when). let me or bruce know this afternoon.
----- Forwarded by Elena Kagan/OPD/EOP on 11/17/98 02:06 PM -----

Jerold R. Mande

11/17/98 10:36:17 AM

Record Type: Record

To: Clifford J. Gabriel/OSTP/EOP
cc: See the distribution list at the bottom of this message
bcc:
Subject: Re: Stem cell research

I agree. My point wasn't that the use of embryo was incorrect in the Shapiro letter, but that strategically we should seek to draw a bright line between an embryo that is the product of conception, and a totipotent cell that is derived from and is genetically identical to a somatic cell. The Shapiro letter was an opportunity to do that. Educating the public about the difference is critical to winning public support for federally funding totipotent cell research, which should be one of our goals.

Clifford J. Gabriel
11/17/98 08:46:22 AM
Record Type: Record

To: Jerold R. Mande/OSTP/EOP
cc: See the distribution list at the bottom of this message
Subject: Re: Stem cell research

Jerry: I don't believe the use of the term embryo in the Shapiro letter is incorrect. Cultured stem cells were derived from embryos and fetuses, which clearly triggers the Congressional ban on embryo research. The cow egg/human somatic cell fusion product was reported to generate embryonic stem cell-like cells. Perhaps the letter could have put more distance between the cow egg/human fusion and the creation of embryos (i.e., the

ethical issues are the same as those associated with xenotransplantation), but we know so little about their results. I suspect this will be an issue NBAC will address. I agree that we should not equate a totipotent cell with an embryo. Cliff

Message Copied

To: _____

Elena Kagan/OPD/EOP

Neal Lane/OSTP/EOP

Christopher C. Jennings/OPD/EOP

Sarah A. Bianchi/OPD/EOP

Rachel E. Levinson/OSTP/EOP

Message Copied

To: _____

Elena Kagan/OPD/EOP

Neal Lane/OSTP/EOP

Christopher C. Jennings/OPD/EOP

Sarah A. Bianchi/OPD/EOP

Rachel E. Levinson/OSTP/EOP

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to jmo re: tonight (1 page)	11/17/1998	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[11/11/1998 - 11/30/1998]

2009-1006-F
ry942

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]
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- 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:17-NOV-1998 14:27:16.00

SUBJECT: Pat Reuss

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

READ:UNKNOWN

TEXT:

so much for not being in the middle of this.

----- Forwarded by Elena Kagan/OPD/EOP on 11/17/98 02:27
PM -----

Maureen T. Shea

11/17/98 02:20:08 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Pat Reuss

Said "if Elena says it, I know it's true." Doesn't say much for my
credibility, but hey, as long as someone here has it!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-NOV-1998 13:46:11.00

SUBJECT: Re: From Jen O'C -- dinner tonight

TO: jmo (jmo @ mcll.com @ INET @ LNGTWY [UNKNOWN])
READ:UNKNOWN

TEXT:
anything; your call

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-NOV-1998 17:27:09.00

SUBJECT: Re: Need Approval ASAP

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

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

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

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

CC: Beverly J. Barnes (CN=Beverly J. Barnes/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

CC: Brenda M. Anders (CN=Brenda M. Anders/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:17-NOV-1998 14:00:34.00

SUBJECT: Re: From Jen O'C -- dinner tonight -Reply

TO: jmo (jmo @ mcll.com [UNKNOWN])

READ:UNKNOWN

TEXT:

unfair -- I put the ball in your court

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-NOV-1998 11:51:53.00

SUBJECT: Re: did you get any paper from Matt Myers yesterday

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

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

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

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

TEXT:
not me

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-NOV-1998 15:51:49.00

SUBJECT: Re: VP - Thurs

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

READ:UNKNOWN

TEXT:

don't give in

----- Forwarded by Elena Kagan/OPD/EOP on 11/17/98 03:51 PM -----

Ron Klain @ OVP
11/17/98 02:46:48 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc: Elena Kagan/Opd/Eop, Sarah A. Bianchi/Opd/Eop, Patricia M. Ewing/OVP @ OVP
Subject: Re: VP - Thurs

Of course, he should not contradict what the President said yesterday. But right now, public health groups are lobbying the states not to sign on to the agreement; AGs are lobbying states to sign on to the agreement -- do we have a position? If so, why? What analysis do we possess that indicates that we have a reason to believe that a particular state would be better off under this agreement than they would be pursuing their own lawsuit -- or vice versa? I just don't understand what basis we would have for offering states any advice on this question -- any more than we advised them to sue or settle in the first place.

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Paul Begala, et al, re: Schedule for NBAC deliberations (partial) (1 page)	11/17/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[11/11/1998 - 11/30/1998]

2009-1006-F
ry942

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]
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- 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)]

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- 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:17-NOV-1998 09:13:48.00

SUBJECT: Schedule for NBAC deliberations

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

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

TEXT:
tomorrow for NBAC announcement.

----- Forwarded by Elena Kagan/OPD/EOP on 11/17/98 09:13 AM -----

Jeffrey M. Smith
11/17/98 09:04:31 AM
Record Type: Record

To: Christopher C. Jennings/OPD/EOP, Elena Kagan/OPD/EOP
cc:
Subject: Schedule for NBAC deliberations

Chris -- pasted below is self-explanatory. Elena and I touched upon this briefly this morning, and she mentioned it at senior staff. As it stands now, any NBAC statement will not come today, but rather on Wednesday. We'll keep you posted and in the loop from our end... please let us know if you hear anything. Thanks.

----- Forwarded by Jeffrey M. Smith/OSTP/EOP on 11/17/98 09:00 AM -----

Holly L. Gwin
11/17/98 08:30:37 AM
Record Type: Record

To: Neal Lane/OSTP/EOP, Jeffrey M. Smith/OSTP/EOP
cc: Betty J. Fountain/OSTP/EOP
Subject: Schedule for NBAC deliberations

According to Rachel (8 AM 11/17), NBAC will discuss mingling of human and nonhuman species today during their afternoon session, write something overnight, and make its decision about a statement mid-morning tomorrow (11/18). Rachel will fax the statement to Jeff/me at 6-6021. She will call us if the schedule changes. Rachel's pager number is P6(b)(6) (it's registered with Signal).

[002]

Jeff: would you please notify Chris Jennings?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-NOV-1998 14:38:55.00

SUBJECT: Re: VP - Thurs

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

READ:UNKNOWN

TEXT:

excellent!

----- Forwarded by Elena Kagan/OPD/EOP on 11/17/98 02:38
PM -----

Bruce N. Reed

11/17/98 02:35:04 PM

Record Type: Record

To: Ron Klain/OVP @ OVP

cc: Elena Kagan/OPD/EOP, Sarah A. Bianchi/OPD/EOP, patricia m. ewing/ovp @
ovp

Subject: Re: VP - Thurs

We're happy to help with the VP's remarks. But he shouldn't undercut what the President said yesterday. His message should be exactly the same as the President's: The state settlement is a step forward. But only the national government and esp. the Congress can take the full range of steps necessary to set a national policy on reducing youth smoking, such as confirming the FDA's authority to regulate tobacco products. The last Congress put partisanship ahead of progress. We'll make tobacco legislation a top priority in the new Congress.

He can and should go to town attacking Congress. But it would be bad faith, bad policy, and bad politics to pull the rug out from under Tom Miller and a host of other AGs (most of them D's) who are signing onto this deal because it's the best they can do without Congress.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Elena Kagan to jmo re: tonight (1 page)	11/17/1998	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[11/11/1998 - 11/30/1998]

2009-1006-F
ry942

RESTRICTION CODES

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

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

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]
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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]

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.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-NOV-1998 16:38:19.00

SUBJECT: Re: Title IX

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

TEXT:
ok

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-NOV-1998 10:35:38.00

SUBJECT: Re: VP - Thurs

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

TEXT:

and more. (you can also get Bruce's message from this one.)

----- Forwarded by Elena Kagan/OPD/EOP on 11/18/98 10:34
AM -----

Ron Klain @ OVP
11/18/98 10:31:21 AM
Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc: Elena Kagan/Opd/Eop, Sarah A. Bianchi/Opd/Eop, Patricia M. Ewing/OVP @
OVP
Subject: Re: VP - Thurs

I think it is more than a few hardliners, first of all. The critics of the agreement even include public health officials who supported the first settlement, and many of our allies in Congress.

Secondly, again, I assume our position is that each state should decide what is best for itself in this regard. I didn't hear the President on Monday urge states to approve the agreement.

Third, it is important to point out -- without criticizing the settlement -- what was not -- and could not have been -- included in it. Again, the goal here is NOT to criticize the settlement, but to explain to folks why the settlement does not end the need for federal action.

Congress is the bad actor, not the settlement. But the settlement is not a panacea, which I am sure you would agree with. And I would hate to see us blamed for any "buyers remorse" that emerges from states accepting the deal. And if state acceptance is inevitable anyway, why squander credibility with validators whose support we may want for future, controversial steps we take on this issue -- steps which, unlike this settlement, that will truly be our own actions.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-NOV-1998 14:13:57.00

SUBJECT: Re: VP - Thurs

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

READ:UNKNOWN

TEXT:

you won!!!

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Elena Kagan to Bruce Reed re: NBAC response to stem cell query (partial) (1 page)	11/18/1998	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[11/11/1998 - 11/30/1998]

2009-1006-F
ry942

RESTRICTION CODES

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-NOV-1998 09:26:28.00

SUBJECT: Re: NBAC response to stem cell query

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 11/18/98 09:23 AM -----

Holly L. Gwin
11/18/98 08:57:38 AM
Record Type: Record

To: Jeffrey M. Smith/OSTP/EOP
cc: Christopher C. Jennings/OPD/EOP, Elena Kagan/OPD/EOP, Neal Lane/OSTP/EOP, Clifford J. Gabriel/OSTP/EOP
bcc:
Subject: Re: NBAC response to stem cell query

Rachel just called to say that Harold Shapiro announced during the meeting that the Commission would consider the draft response this morning but that he expected it would take longer, i.e., the next couple of days, to finalize the language of the response. She expects the letter to be completed before the end of the week, but not this morning. She expects the conclusions of the Commission will be clear by this morning and that finalizing the letter will only be a matter of wordsmithing, but can't be certain of that at this point.

Jeffrey M. Smith
11/18/98 08:10:41 AM
Record Type: Record

To: Christopher C. Jennings/OPD/EOP, Elena Kagan/OPD/EOP
cc: Neal Lane/OSTP/EOP, Clifford J. Gabriel/OSTP/EOP, Holly L. Gwin/OSTP/EOP
Subject: NBAC response to stem cell query

Chris, Elena -- At 8:00 a.m. this morning, we spoke with Rachel Levinson, who is at the NBAC meeting in Miami. She reports that the Commission will discuss the draft of their response to the President on the stem cell issue this morning; she expects to fax a copy to us very shortly -- perhaps by 10:00 a.m. As soon as we have something in hand, we'll pass it along to you right away. Should you need to reach Rachel in the meantime, her pager number is P6(b)(6).

[004]

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Elena Kagan to Jennifer Palmieri re: dinner (1 page)	11/18/1998	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[11/11/1998 - 11/30/1998]

2009-1006-F
ry942

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-NOV-1998 09:26:28.00

SUBJECT: FYI -- Senate stem cell hearings

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 11/18/98 09:24
AM -----

Jeffrey M. Smith
11/18/98 09:09:56 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FYI -- Senate stem cell hearings

From 11/18/98 Washington Fax:

SENATE SET FOR HEARINGS ON BREAKTHROUGH STEM CELL RESEARCH
BIOETHICS COMMISSION WILL ALSO DELIBERATE THE ISSUES

The Senate Appropriations Labor, Health and Human Services, Education and Related Agencies (L/HHS) subcommittee plans to hold a hearing the first week in December to examine issues raised by recent research breakthroughs, in which scientists have reported success in using human embryos and fetal tissue to isolate and grow human stem cells.

Witnesses at the hearing, tentatively scheduled for either December 1 or 2, are expected to include the two scientists who headed teams that, working independently of each other and entirely with private funds, recently reported that they had isolated and then grown stem cells in the laboratory: James Thomson of the University of Wisconsin, who obtained stem cells from donated embryos, and John Gearhart of Johns Hopkins University School of Medicine, who extracted stem cells from aborted fetuses.

Others likely to testify include Harold Varmus, director of the National Institutes of Health, representatives of Geron Corp., a California biotechnology company that owns the commercial license for Thomson's and Gearhart's discoveries, and biomedical ethicists.

Thomson and Gearhart's achievements are considered a major advance. Stem cells are human cells at their earliest stage of development. The ability to isolate and grow them in the laboratory could, theoretically, allow them to be manipulated to perform a variety of regenerative activities, such as replacing tissue in a defective heart or repairing the neurological damage suffered by Parkinson's patients.

But other potential uses--and the techniques required for their isolation--raise questions in some of the most ethically sensitive areas of biology: research involving human embryos and fetal tissue, cloning, and

genetic manipulation.

In addition, the ramifications of Thomson and Gearhart's work were further clouded by reports from company called Advanced Cell Technology that its scientists have isolated human stem cells by fusing human cells with a cow egg. (Some scientists have criticized the announcement as unnecessarily complicating the issue since the reported discovery happened almost three years ago, was never published in a scientific journal and the scientists did not offer conclusive proof that they created stem cells.)

An aide to Sen. Tom Harkin, D-IA, the L/HHS panel's highest ranking Democrat, said the hearing is mainly aimed at learning more about stem cell research and its implications. He said Harkin, in particular, wants to "send a signal that we should not just shut the door on research because some view it as controversial, since that is not always in the best interest of public policy or good health."

Lawyers at the National Institutes of Health are already reviewing whether the ban on federal funding for research involving human embryos prohibits scientists from studying stem cells derived from embryos. A key issue is whether the ban was intended to stop federal funding for research on something with the potential to grow into a human. Some scientists argue that stem cells don't have that potential.

Rep. Jay Dickey, R-AR, one of the authors of the ban, has said that the restriction should apply to work involving stem cells.

Varmus, speaking last week to the Ad Hoc Group for Medical Research Funding, said he hoped to have a legal opinion on the issue by the time of the hearings.

While he has not taken a position on whether stem cell research should be eligible for federal funds, Varmus, responding to a reporter's question, did say that it was "extremely important that the larger scientific community be engaged in the process" and that "we are looking at the legalities of whether we can do that."

Varmus also noted that while many scientific problems must be resolved before stem cells can be used in practical applications, "the prospect of having human cells that can be grown in large numbers (and) differentiated into specific tissues that might be used for a wide variety of diseases represents, to me, a remarkable advance."

President Clinton has responded to the discoveries by asking his National Bioethics Advisory Commission (NBAC) to review the implications of the research. The commission discussed the issue yesterday at a previously scheduled meeting in Miami.

NBAC Chairman Harold Shapiro described the President's request during a press conference as two-part. First, Clinton wants an immediate response on the issue of the appropriateness of "human and non-human species intermingling." Shapiro said the commission may respond to that request as early as today: "I think we may be able to come to at least a temporary conclusion on this."

But the second part, looking at the controversy surrounding stem cell research in general, may take some six months, Shapiro predicted. He said the commission will be discussing today how to mobilize that study. Meanwhile, Congressional involvement in the debate--should it lead to legislation--is something that makes the biotech industry uneasy, said Carol Feldbaum, president of the Biotechnology Industry Organization (BIO).

"We have absolutely no reservations when it comes to talking about the

implications of these developments," said Feldbaum, who had urged Clinton to refer the issue to his bioethics panel. "What happens next is fraught with some trepidations and some difficulty. Once rules and regulations get into the legislative arena, the fact is that anything can happen. Many members of Congress are not well versed in science and the kind of precision these developments need may not always be there when legislative language is drafted."

--Matthew Davis

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Message Sent

To:

Christopher C. Jennings/OPD/EOP
Elena Kagan/OPD/EOP
Neal Lane/OSTP/EOP
Rachel E. Levinson/OSTP/EOP
Clifford J. Gabriel/OSTP/EOP
Holly L. Gwin/OSTP/EOP
Anthony J. Gibson/OSTP/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-NOV-1998 14:45:11.00

SUBJECT: Re: Title IX

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

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

CC: Robert N. Weiner (CN=Robert N. Weiner/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TEXT:
why don't we co-chair?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-NOV-1998 14:15:20.00

SUBJECT: Re: Meeting

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

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

TEXT:

Yes, that's fine. Laura will set up some time with you, me, Lisa, and Cynthia Rice.

Crime -- Final 1997 FBI Crime Statistics: The FBI will release on Sunday the final 1997 Uniform Crime Report (UCR), which will show that crime decreased by two percent between 1996 and 1997. Murder, rape, robbery, assault, and even juvenile crime dropped, and every region of the country reported an overall decline. The decrease in crime is the sixth in a row, with a total decline of seven percent since 1993.

(1) Violent Crime: Violent crime fell three percent between 1996 and 1997, with all categories of violent crime declining in both volume and rate. The number of murders fell seven percent during the year (26 percent since 1993), and the murder rate hit its lowest point in 30 years. About 77 percent of murder victims and 90 percent of murder offenders were male. About 48 percent of murder victims and 45 percent of murder offenders were white; about 49 percent of murder victims and 53 percent of murder offenders were black. Nearly half (48 percent) of murder victims knew their assailants; among female murder victims, 29 percent were killed by husbands or boyfriends. In addition, rapes declined by one percent, robberies by seven percent, and aggravated assaults by one percent.

(2) Property Crime: Property crime fell two percent between 1996 and 1997, with all categories of property crime decreasing in both volume and rate. Burglaries and larceny-theft declined by two percent each; motor vehicle theft declined by three percent; and arson offenses declined by seven percent.

(3) Hate Crime: A total of 9,861 hate crimes were reported in 1993, with 5,898 motivated by racial bias; 1,483 by religious bias; 1,375 by sexual-orientation bias; 1,083 by ethnic bias; and 12 by disability bias. Crimes against persons were 70 percent of the total number of hate crimes reported. About 55 percent of these crimes against persons were threats or other kinds of intimidation; 26 percent were simple assaults; 18 percent were aggravated assaults; and less than one percent were rapes and murders.

(4) Juveniles. Juvenile arrests for violent crime dropped four percent between 1996 and 1997 -- the third annual decline in a row. Juvenile arrests for murder dropped a full 16 percent.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-NOV-1998 19:06:25.00

SUBJECT: Re: no weekly's

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

TEXT:
it can wait. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-NOV-1998 10:31:43.00

SUBJECT: Re: no weekly's

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

TEXT:

1. what should we say, if anything, about varmus's testimony in the weekly?

2. do we need to tell him anything else about massachusetts? the last he heard we were waiting for harvard.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-NOV-1998 10:58:38.00

SUBJECT: Re: Irish Deportees

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

TEXT:

Ok, but what can we do if the AG has no discretion under the law? How did she even order temporary stays of deportation?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-NOV-1998 11:42:02.00

SUBJECT: Meeting

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 11/20/98 11:42 AM -----

Maureen T. Shea
11/20/98 11:27:45 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Meeting

Jenny Luray, the new director of the women's office, will start on November 30. As you probably know, she has been Rep. Lowey's legislative director. I am trying to set up a few meetings with key people for her that first week. Is there a time that would be good for you?

If you don't know her, she is terrific - and her appointment has been very well received in the women's community.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-NOV-1998 08:28:06.00

SUBJECT: Re: education item for weekly

TO: Mike Cohen <mikec_20904 (Mike Cohen <mikec_20904 @ yahoo.com> [UNKNOWN])

READ:UNKNOWN

TEXT:

could you resend this monday morning? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-NOV-1998 13:15:27.00

SUBJECT: Re: Appointments News: Kagan

TO: "Christopher Edley, Jr." <edley ("Christopher Edley, Jr." <edley @ law.harvard.edu> [READ:UNKNOWN

TEXT:

Thanks much. July. Let's have dinner sometime soon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-NOV-1998 13:16:43.00

SUBJECT: Adoption Event

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 11/23/98 01:16
PM -----

David R. Goodfriend
11/23/98 10:10:47 AM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc:
Subject: Adoption Event

Elena--

Just a friendly reminder that we will need an event memo for the adoption event tomorrow. I assume your department, rather than Capricia Marshall's, will be doing the heavy lifting on this.

--David

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-NOV-1998 19:48:19.00

SUBJECT: Re: Internet and tobacco

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

READ:UNKNOWN

TEXT:

yes, of course

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-NOV-1998 13:16:08.00

SUBJECT: NBAC Letter

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

TEXT:
see below

----- Forwarded by Elena Kagan/OPD/EOP on 11/23/98 01:16
PM -----

Phillip Caplan

11/23/98 09:15:39 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Neal Lane/OSTP/EOP,
Jeffrey M. Smith/OSTP/EOP
cc:
Subject: NBAC Letter

I have a copy of NBAC's letter to the President. I think he should probably see it and have it explained.

Therefore, might I suggest that you do a joint DPC/OSTP short cover note to go on top of the letter. Could I get maybe get it by the end of the day? Thanks.

If you think this is not the way to go, let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1998 18:12:36.00

SUBJECT: Re: campaign finance

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

TEXT:

You bet. It will be great having you on board. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1998 18:12:54.00

SUBJECT: campaign finance

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

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by Elena Kagan/OPD/EOP on 11/23/98 05:04 AM -----

Roger S. Ballentine

11/24/98 06:01:46 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Ann F. Lewis/WHO/EOP

Subject: campaign finance

Larry may have spoken to you already, but he asked me to drop you and Ann a note. With Peter Jacoby gone, I will be handling campaign finance. If you need help on the substance, I would be happy to do anything I can. I practiced campaign finance law for the better part of 10 yrs and taught campaign finance at Georgetown Law School.

Let me know what you need. Thanx.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1998 18:19:02.00

SUBJECT: Re: Maria's Deputies Meetings

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

TEXT:

thanks -- i'll let you know if i run into difficulties again

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 24-NOV-1998 18:11:02.00

SUBJECT: Varmus Testimony for 12/2

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 11/23/98 05:03
AM -----

Melinda D. Haskins 11/24/98 04:27:25 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Varmus Testimony for 12/2

FYI -- We are not likely to receive until Monday Varmus' draft testimony on stem cell research for next Wednesday's hearing before the S. Appropriations Subcommittee on Labor, Health, and Human Services.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1998 11:03:58.00

SUBJECT: document

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

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

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D85]MAIL47967482K.326 to ASCII,
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February 28, 1997

MEMORANDUM FOR ERSKINE BOWLES

FROM: BRUCE REED

SUBJECT: DOMESTIC POLICY COUNCIL GOALS AND OBJECTIVES

The central mission of the Domestic Policy Council is to advance the President's domestic agenda. The following memo outlines our goals and objectives in carrying out the domestic priorities that the President set forward in this year's State of the Union.

OVERALL GOAL: Education. Develop and implement, in concert with other White House offices and the Department of Education, a strategy to carry out the President's 10-point plan.

GOAL: Education. Develop and implement policies to achieve high educational standards nationwide and improved student performance to meet those standards.

Objectives:

- Work with Education Department to persuade twenty-plus states this year to agree to administer the President's national tests in 1999.
- Build support in the parent, business, and education communities for the President's testing initiative.
- Work to improve the quality of teaching by promoting the work of the National Board for Professional Teaching Standards; encouraging states and local school districts to adopt policies to place a master teacher in every school; and highlighting successful efforts at the state and local level.
- Continue efforts, in coordination with America Reads, to recruit 100,000 college students to be reading tutors, expand the Department of Education's summer reading initiative, and promote proven approaches to reading instruction.
- Work to increase the number of states with charter schools legislation.

GOAL: Education. Work toward passage of legislation and appropriations to implement the President's education agenda.

Objectives:

- Introduce legislation on school construction, America Reads, and HOPE scholarships and related tax proposals; identify bipartisan support for each proposal.
- Assist in mobilizing constituencies for these proposals, such as securing an endorsement letter from hundreds of college Presidents.
- Assist in developing and implementing a communications strategy showing how each

legislative proposal will improve the lives of students, families, and communities.

GOAL: Welfare. Develop policies that will assist in moving people from welfare to work.

Objectives:

- Work toward enactment of a \$3 billion fund to help states and cities find and create jobs for welfare recipients and enhanced tax credits to encourage companies to hire them.
- Assist in conducting an extensive outreach campaign asking companies, nonprofits, the faith community, and government agencies to hire welfare recipients.
- Oversee implementation of the new welfare law to ensure that the Administration does everything in its power, through executive action and guidance, to help states move people from welfare to work.

GOAL: Welfare. Develop and implement policies to ensure that welfare reform promotes family and responsibility.

Objectives:

- Fulfill the President's commitment to restore certain budget cuts, involving legal immigrants and food stamps, included in the welfare law but unrelated to welfare reform.
- Work with HHS in assisting states to ensure strict enforcement of child support rules.
- Develop and implement new teenage pregnancy prevention and statutory rape initiatives.

GOAL: Crime. Enact the President's Anti-Gang & Youth Violence Act of 1997.

Objectives:

- Organize events highlighting main provisions in President's legislation -- involving, for example, handgun safety locks, anti-gang prosecutors, and after-school programs.
- Draft directives, executive orders, and letters in furtherance of the bill's objectives.
- Lead working group meetings with bipartisan Congressional delegation and Administration officials to ensure enactment of President's main priorities.

GOAL: Drugs. Promote and secure full funding for the President's 1997 Drug Control Strategy.

Objectives:

- Work closely with ONDCP on National Anti-Drug Media Campaign and organize Presidential event to kick off anti-drug advertisements.
- Work to ensure full funding for President's drug strategy in appropriations process.

GOAL: Health Care. Work toward achieving bipartisan consensus on and enactment of Medicare, Medicaid, health coverage, and quality reforms.

Objectives:

- Continue close coordination of policy development and strategy with HHS, Treasury,

Labor and all relevant divisions within the White House.

-Identify opportunities for executive actions that further the President's health care agenda, particularly in relation to quality and coverage initiatives.

-Develop collaborative relationships with Congress and the governors to promote our health care agenda.

-Work with representatives of consumers, providers, insurers / health plans, business, and labor, as well as academics, health economists, and foundations to disseminate and validate the President's positions on health care.

-Refine and implement communications strategy to highlight the President's accomplishments, educate the public on current proposals, and generate support for legislative and executive initiatives.

GOAL: 0-3 Initiative. Promote efforts to enhance development in the earliest years of life.

Objectives:

-Engage in a broad-based review of policy affecting our youngest children and develop new initiatives, involving both executive and legislative action, to support these children.

-Organize, in coordination with other White House offices, a White House Conference on early learning that will examine current scientific research and its practical applications for parenting; explore how different sectors of society can support our youngest children; and highlight Administration accomplishments and initiatives.

GOAL: Service. Work with other offices in the White House to ensure that the Presidents' Service Summit advances the goals of service and voluntarism, while enhancing the AmeriCorps program.

Objectives:

-Work with other White House offices to ensure that we participate in all important decisions about the structure and content of the Summit.

-Develop events highlighting service and voluntarism to prepare the way for the Summit.

-Develop policies and identify federal government "commitments" for the President to announce in his speech at the Summit.

GOAL: Executive Action. Help the President use all the powers of his office to advance his agenda, with or without help from Congress.

Objectives:

-Develop Executive Orders and Memoranda in the priority issues outlined above, as well as in other important issues, such as consumer safety, technology, family, and the environment.

-Vet proposals for executive action on domestic policy coming from agencies and other White House offices to make sure that they advance the President's long-term agenda.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1998 18:10:45.00

SUBJECT: MANDATORY Ethics Training

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

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 11/23/98 05:02 AM -----

PostMaster 11/24/98 04:33:17 PM

Record Type: Record

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

cc:

Subject: MANDATORY Ethics Training

MEMORANDUM FOR ALL EMPLOYEES OF THE WHITE HOUSE OFFICE
OFFICE OF THE VICE PRESIDENT
OFFICE OF POLICY DEVELOPMENT
NATIONAL SECURITY COUNCIL
EXECUTIVE RESIDENCE and
COUNCIL OF ECONOMIC ADVISORS

FROM: AMY COMSTOCK
DAWN CHIRWA
ASSOCIATE COUNSELS TO THE PRESIDENT

SUBJECT: MANDATORY Ethics Training

As the traditional kick-off to the holiday season, you are asked to join us for your annual ethics training session. We have put together a program that we believe will, once again, both educate and entertain.

Please remember that, while we try to make ethics training fun, it is MANDATORY that you attend one of the sessions listed below in order to fulfill your yearly ethics training requirement. You may select from any of the following dates:

- Thursday, December 3, 1998 10:30 am
- Thursday, December 10, 1998 9:30 am
- Tuesday, December 15, 1998 2:30 pm
- Wednesday, December 16, 1998 9:30 am

All sessions will be held in room 450, OEOB, and will last approximately one hour. A sign language interpreter will be available at each of the sessions. If you have a disability that might require additional aids or accommodation, please contact the Counsel's Office at 456-6229.

Please arrive on time and be sure to sign in so you receive credit for attendance.

Message Sent

To:

- All WHO Users
- All OVP Users
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-NOV-1998 07:48:23.00

SUBJECT: Request for Views on HR1870 Young American Workers' Bill of Rights

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

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 11/30/98 07:48 AM -----

From: Melissa N. Benton on 11/27/98 09:58:28 AM

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: Request for Views on HR1870 Young American Workers' Bill of Rights

NOTE: The bill is attached following the LRM.

Total Pages: _____

LRM ID: MNB245

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Wednesday, November 25, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference

OMB CONTACT: Melissa N. Benton

PHONE: (202)395-7887 FAX: (202)395-6148

SUBJECT: Request for Views on HR1870 Young American Workers' Bill of Rights

DEADLINE: Noon Wednesday, December 2, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:

DISTRIBUTION LIST

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128-US Trade Representative - Fred Montgomery - (202) 395-3475
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EOP:

Barry White
Larry R. Matlack
Debra J. Bond
Sarah S. Lee
Robert G. Damus
William H. White Jr.
Stuart Shapiro
Daniel J. Chenok
Steven M. Mertens
Sarah Rosen
Elena Kagan
Karen Tramontano
Kate P. Donovan
Janet R. Forsgren

LRM ID: MNB245 SUBJECT: Request for Views on HR1870 Young American Workers' Bill of Rights

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Melissa N. Benton Phone: 395-7887 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

- _____ Concur
- _____ No Objection
- _____ No Comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Sent

To: _____

Barry White/OMB/EOP
 Larry R. Matlack/OMB/EOP
 Debra J. Bond/OMB/EOP
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 Elena Kagan/OPD/EOP
 Karen Tramontano/WHO/EOP
 Kate P. Donovan/OMB/EOP
 Janet R. Forsgren/OMB/EOP

Message Copied

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 justice.lrm @ usdoj.gov @ inet
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 clrm @ doc.gov @ inet
 lrm @ os.dhhs.gov @ inet
 ca.legislation @ gsa.gov @ inet
 ogc_legislation @ ed.gov @inet
 cla @ sba.gov @ inet

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

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

TEXT:

HR 1870 IH

105th CONGRESS

1st Session

H. R. 1870

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

IN THE HOUSE OF REPRESENTATIVES

June 12, 1997

Mr. LANTOS (for himself, Mr. CAMPBELL, Mr. ACKERMAN, Mr. BONIOR, Mr. BROWN of California, Ms. CARSON, Mr. DAVIS of Illinois, Mr. DELLUMS, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Mr. JEFFERSON, Mr. MANTON, Mr. MILLER of California, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. RANGEL, Mr. SANDERS, Mr. SCHUMER, Mr. TIERNEY, Mr. TORRES, Mr. VENTO,

Ms. WOOLSEY, Ms. VELAZQUEZ, and Mr. YATES) introduced the following bill; which was referred to the Committee on Education and Workforce

A BILL

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCE.

(a) SHORT TITLE- This Act may be cited as the 'Young American Workers' Bill of Rights'.

(b) REFERENCE- Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938.

SEC. 2. REPORTING AND RECORDKEEPING.

(a) CHILD-LABOR LAWS- Section 12 (29 U.S.C. 212) is amended by adding at the end the following new subsection:

^(e) (1) The Secretary and the United States Census Bureau shall compile data from respective State employment security agencies in all the States (A) on the types of industries and occupations in which children under the age of 18 are employed and on the types of industries and occupations in which children who are 18 and full-time students in a high school are employed, and (B) on cases in which it was determined that minors were employed in violation of this section. The first such compilation shall be completed not later than 2 years after the date of enactment of the Young American Workers' Bill of Rights and each subsequent compilation shall be completed not later than 3 years thereafter.

^(2) If a minor in the course of employment suffers death or an injury or illness resulting in lost work time of at least 1 working day, not later than 5 days after the death, injury, or illness, the employer of the minor shall provide to the State agency a written description of the death, injury, or illness.

^(3) The Secretary of Health and Human Services, in conjunction with the Secretary of Labor, shall issue an annual report on the status of child labor in the United States and its attendant safety and health hazards.'.

SEC. 3. CERTIFICATES OF EMPLOYMENT.

Section 12 (29 U.S.C. 212) is amended by adding at the end the following new subsection:

^(e) (1) As used in this subsection, the term 'parents' means the biological parents of a minor or other individual standing in loco parentis to a minor and the term 'minor' means an individual who is under the age of 18 and who has not received a high school diploma or its equivalent or who is 18 and enrolled full-time in a high school.

^(2) No employer shall employ a minor unless the minor possesses a

valid certificate of employment issued in accordance with this subsection.

^(3) The Governor of a State shall designate a State agency to issue certificates of employment to minors in the State. The agency shall make available, on request, a form for the application described in paragraph (4) and shall make available, as part of the certification process, materials describing applicable Federal requirements governing the employment of minors and the minor's rights under such requirements.

^(4) To be eligible to receive a certificate of employment, a minor must submit to the appropriate State agency an application that contains--

^(A) the name and address of the minor;

^(B) proof of age of the minor;

^(C) if the minor is under the age of 18 or is age 18 and enrolled full-time in a high school--

^(i) a written statement by the parents or legal guardian of the minor that the parents grant consent for employment of the minor; and

^(ii) a written verification from the minor's school that the minor is meeting at least the minimum school attendance requirements established by the State and that such employment will not interfere with the schooling of the minor; and

^(D) the employer's name, address, signature; and

^(E) with respect to the employment--

^(i) a statement on the nature of the work to be performed;

^(ii) the daily and weekly hours, and

^(iii) the times of day in which the work is to be performed.

^(5) On receipt of an application under paragraph (4), a State agency shall issue to the minor--

^(A) a certificate of employment, if the requirements of paragraph (4) are met; or

^(B) a statement of the denial of a certificate of employment (including the reasons for the denial), if the requirements of paragraph (4) are not met.

^(6) A certificate of employment issued to a minor under this subsection shall be valid for 1 year after the date of issuance of the certificate or for the duration of the permitted employment, whichever is shorter.

^(7) A certificate of employment issued to a minor under this subsection shall indicate--

^(A) the name, address, and date of birth of the minor;

^(B) a minor will not be employed more than 3 hours per day or more than 15 hours per week and shall be prohibited from working before 7 a.m. and after 7 p.m. when school is in session if such minor is between 14 and 16 years of age and will not be employed more than 4 hours per school day or more than 20 hours per week and shall be prohibited from working before 6 a.m. and after 10 p.m. when school is in session if such minor is 16, 17, or 18 years of age and a full-time student enrolled in a high school; and

^(C) the name, address, and telephone number of the State agency that may be contacted for additional information concerning applicable Federal requirements governing the employment of minors.

^(8) The State agency shall provide a copy of a certificate of employment issued to a minor who is not older than the age of 18 to the parent of the minor who granted consent pursuant to paragraph (4) and to the local school district where the minor is enrolled.

^(9) If an employer employs a minor, not later than 14 days after the date of the commencement of employment of the minor, the employer shall provide to the State agency written notice of the name and occupation of the minor and the number of the certificate of employment issued to the minor.

^(10) Each employer shall post a copy of the provisions of this Act relating to child labor at each premise of a worksite where one or more minors is employed.

^(11) A State agency shall report annually to the Secretary concerning certificates of employment issued under this subsection. The agency shall include such information as the Secretary requires (including information on the number of deaths and injuries of minors reported pursuant to subsection (f)).'

SEC. 4. REVISIONS OF ORDERS AND REGULATIONS.

(a) ORDERS-

(1) In the administration of the Fair Labor Standards Act of 1938, the Secretary of Labor shall make the following revisions in the Secretary's child labor orders published in subpart E of part 570 of title 29, Code of Federal Regulations:

(A) The exemption provided in Order No. 2 (29 C.F.R. 570.52) shall apply to minors who are at least 18 years of age and to driving that is secondary and incidental to the minor's main occupation. Such exemption would be limited to 20 percent of the minor's work in any workday and may not exceed 5 percent of the minor's work in any workweek.

(B) Order No. 10 (29 C.F.R. 570.61) shall apply with respect to restaurants and fast food establishments. Such order shall prohibit minors who are under the age of 18 or who are 18 and are enrolled full-time in a high school from cleaning any machinery irrespective of who has disassembled the machinery.

(2) In the administration of the Fair Labor Standards Act of 1938, the Secretary of Labor shall find and declare that poultry processing, seafood processing, paper baling, power driven meat slicing, and pesticide handling are occupations that are

particularly hazardous for the employment of minors for purposes of section 3(1) of the Fair Labor Standards Act of 1938.

(b) CHILD LABOR REGULATIONS- Under child labor regulation No. 3 (subpart C of 29 C.F.R. 570 et seq.)--

(1) individuals under 16 shall be prohibited from making door-to-door sales for profit,

(2) individuals under 16 shall be prohibited from using fryers, baking equipment, and cooking equipment in food service establishments, and

(3) strike out in section 570.34(b)(5) `(except at soda fountains, lunch counters, snack bars, or cafeteria serving counters)'.

SEC. 5. CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.

(a) WILLFUL VIOLATIONS THAT CAUSE INJURY OR DEATH- Section 16 (29 U.S.C. 216) is amended by adding at the end the following new subsection:

`(f) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation

issued under such section, shall, on conviction be punished--

`(1) in the case of a willful violation that causes serious bodily injury to an employee described in section 3(1) but does not cause death to the employee, by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 10 years, or by both; or

`(2) in the case of a willful violation that causes death to an employee described in section 3(1), by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 10 years, or by both, except that if the conviction is for a willful violation committed after a first conviction of the person, the person shall be punished by a fine in accordance with section 3571 of such title 18 or by imprisonment for not more than 20 years, or by both.'.

(b) NO PRIOR OFFENSE PREREQUISITE FOR CHILD LABOR VIOLATION- The second sentence of section 16(a) is amended by inserting before the period at the end the following: `, except that this sentence shall not apply to a violation of section 12'.

SEC. 6. CIVIL PENALTIES FOR CHILD LABOR VIOLATIONS.

Section 16(e) (29 U.S.C. 216(e)) is amended--

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by inserting `(1)' after the subsection designation;

(3) by adding at the end the following new paragraphs:

`(2) Any person who willfully violates the provisions of section 12, relating to child labor, or any regulation issued under such section, on more than one occasion, shall, on such additional violation, be ineligible--

`(A) for any grant, contract, or loan provided by an agency of the United States or by appropriated funds of the United States, for 5 years after the date of such additional violation;

`(B) to pay the training wage authorized by section 6 of the Fair Labor Standards Amendments of 1989 (29 U.S.C. 206 note); or

`(C) to employ a minor for a period of 5 years from the date of such violation.'.

SEC. 7. CIVIL ACTIONS FOR CHILD LABOR VIOLATIONS.

Section 16 (29 U.S.C. 216), as amended by section 4, is amended by adding at the end the following:

`(g) Any employer who violates section 12 shall be liable for such legal or equitable relief as may be appropriate. An action to recover such relief may be brought against any employer in any Federal or State court of competent jurisdiction by any employee subject to the protections of section 12 or by the employee's survivors. The court in such an action shall, in addition to any other judgment awarded to the plaintiff, allow a reasonable attorney's fee to be paid by the defendant and costs of the action. If the employee or the employee's survivors obtain a judgment under this subsection and also seek recovery for the same violation through State worker's compensation, this subsection does not preclude a State from choosing to offset recovery obtained under this subsection against recovery provided through State worker's compensation.'.

SEC. 8. COORDINATION.

(a) IN GENERAL- The Secretary of Labor shall establish and encourage closer working relationships among Federal and State agencies having responsibility for enforcing labor, safety and health, and immigration laws.

(b) REFERRALS-

(1) The Secretary of Labor shall establish a referral system under which employees engaged in the enforcement of the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act of 1970 shall--

(A) exchange information about suspected violators of the Acts and monitor the results of referrals to each other, and

(B) provide basic training to each other's staffs concerning the requirements of such Acts.

(2) The Secretary of Labor shall require employees engaged in the enforcement of the Fair Labor Standards Act of 1938 and the Occupational Safety and Health Act of 1970 to establish a referral system with--

(A) employees of the Immigration and Naturalization Service engaged in the enforcement of the Immigration and Nationality Act, and

(B) employees of Departments of Labor of the States engaged in the enforcement of State minimum wage and occupational safety and health laws.

The Immigration and Naturalization Service and the State Departments of Labor shall each be encouraged by the Secretary of Labor to establish information exchanges and, to the extent practicable, provided training to each other's staffs concerning the requirements of the Acts enforced by the respective agencies.

(c) ADVICE FROM PRIVATE AND PUBLIC SECTORS- The Secretary shall seek information and advice from representative elements of the private sector and the non-Federal governmental sector with respect to the provisions of the Fair Labor Standards Act of 1938 and corresponding regulations as they pertain to the employment of minors.

(d) ADVISORY COMMITTEE- The Secretary shall establish an Advisory Committee for Child Labor to provide overall policy advice on matters referred to in subsection (c). The Committee shall be composed of not less than 21 individuals, and shall include representatives of government, labor, industry, education, agriculture, health professions, small business, youth, service industries, retailers, consumer interests, human rights, child welfare, parent groups, and the general public. The Committee shall meet quarterly at the call of the Secretary or upon the call of a majority of the Committee, a quorum being present. The Chairperson of the Committee shall be elected by the Committee from among its members. Members

of the Committee shall be appointed by the President for a period of 4 years and may be reappointed for one or more additional periods. The Secretary shall make available to the Committee such staff, information, personnel, and administrative services and assistance as it may reasonably require to carry out its activities.

SEC. 9. PUBLICATION OF VIOLATORS.

(a) IN GENERAL- The Secretary of Labor shall publish and disseminate the names and addresses of each person who has willfully violated the provisions of section 12 of the Fair Labor Standards Act of 1938 relating to child labor or any regulation under such section and the types of violations committed by such person and shall distribute the publication regionally.

(b) NOTICE TO SCHOOL DISTRICTS- The Secretary shall post and otherwise make available to affected school districts the name of each employer who violates the provisions of section 12 of the Fair Labor Standards Act of 1938, relating to child labor, or any regulation issued under such section together with a description of the location and nature of the violation.

SEC. 10. COVERAGE.

The provisions of sections 12 and 16(e) of the Fair Labor Standards Act of 1938 shall apply to employers regardless of the annual dollar volume of sales whereby certain enterprises are exempted from coverage under such Act.

SEC. 11. PROTECTION OF MINORS WHO ARE MIGRANT OR SEASONAL AGRICULTURAL WORKERS.

(a) DEFINITION OF OPPRESSIVE CHILD LABOR- The first sentence of section 3(1) (29 U.S.C. 203(1)) is amended--

(1) by striking `or' before `(2)'; and

(2) by inserting before the semicolon the following: `, or (3) any employee under the age of 14 years is employed by an employer as a migrant agricultural worker (as defined in section 3(8) of the Migrant and Seasonal Agricultural Protection Act (29 U.S.C. 1802(8)) or seasonal agricultural worker (as defined in section 3(10) of such Act)'; and

(b) EXEMPTIONS- Section 13 (29 U.S.C. 213) is amended--

(1) in subsection (a)(6), by inserting before the semicolon at the end the following: `, except that this paragraph shall not apply to an employee described in section 3(1)(3)'; and

(2) in subsection (c)--

(A) in paragraph (1), by striking `Except as provided in paragraph (2) or (4)' and inserting `Except as provided in paragraph (2), (4), or (5)'; and

(B) by adding at the end the following new paragraph:

(5) The provisions of section 12 relating to child labor shall apply to an employee described in section 3(1)(3).'

SEC. 12. REGULATIONS.

The Secretary of Labor shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act.

SEC. 13. AUTHORIZATION.

There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary for the additional costs resulting from the amendments made by sections 2 and 5.

END

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-NOV-1998 07:48:05.00

SUBJECT: OMB Request for Views on S2383 Children's Act for Responsible Employment (CARE)

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

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 11/30/98 07:48 AM -----

From: Melissa N. Benton on 11/27/98 09:55:17 AM

Record Type: Record

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

CC:

Subject: OMB Request for Views on S2383 Children's Act for Responsible Employment (CARE) Act

Total Pages: _____

LRM ID: MNB246

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Friday, November 27, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference

OMB CONTACT: Melissa N. Benton

PHONE: (202)395-7887 FAX: (202)395-6148

SUBJECT: OMB Request for Views on S2383 Children's Act for Responsible Employment (CARE) Act

DEADLINE: Noon Wednesday, December 2, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:

DISTRIBUTION LIST

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7-Agriculture - Marvin Shapiro (LRMs & EBs) - (202) 720-1516

25-COMMERCE - Michael A. Levitt - (202) 482-3151

30-EDUCATION - Jack Kristy - (202) 401-8313
128-US Trade Representative - Fred Montgomery - (202) 395-3475

EOP:

- Barry White
- Larry R. Matlack
- Debra J. Bond
- Sarah S. Lee
- Robert G. Damus
- William H. White Jr.
- Stuart Shapiro
- Daniel J. Chenok
- Sarah Rosen
- Elena Kagan
- Kate P. Donovan
- Karen Tramontano
- Janet R. Forsgren

LRM ID: MNB246 SUBJECT: OMB Request for Views on S2383 Children's Act for Responsible Employment (CARE) Act

RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Melissa N. Benton Phone: 395-7887 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

- _____ Concur
- _____ No Objection
- _____ No Comment
- _____ See proposed edits on pages _____
- _____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

Message Sent

To: _____

Barry White/OMB/EOP
 Larry R. Matlack/OMB/EOP
 Debra J. Bond/OMB/EOP
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 Karen Tramontano/WHO/EOP
 Janet R. Forsgren/OMB/EOP

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

TEXT:

S 2383 IS

105th CONGRESS

2d Session

S. 2383

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

IN THE SENATE OF THE UNITED STATES

July 30, 1998

Mr. HARKIN (for himself, Mr. KENNEDY, MR. KERRY, and Ms. MOSELEY-BRAUN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

 A BILL

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE.

(a) SHORT TITLE- This Act may be cited as the `Children's Act for Responsible Employment' or the `CARE Act'.

(b) REFERENCE- Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. AGRICULTURAL EMPLOYMENT.

Section 13(c) (29 U.S.C. 213(c)) is amended--

(1) by striking paragraph (1) and inserting the following:

`(1) The provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he or she is so employed, if such employee is employed by his or her parent or legal guardian, on a farm owned or operated by such parent or legal guardian.'; and

(2) by striking paragraphs (2) and (4).

SEC. 3. YOUTH PEDDLING.

(a) FAIR LABOR STANDARDS ACT COVERAGE-

(1) FINDING- The last sentence of section 2(a) (29 U.S.C. 202(a)) is amended by inserting after 'households' the following: `, and the employment of employees under the age of 16 years in youth peddling,'.

(2) DEFINITION- Section 3 (29 U.S.C. 203) is amended by adding at the end the following:

`(y) `Youth peddling' means selling goods or services to customers at their residences, places of business, or public places such as street corners or public transportation stations. `Youth peddling' does not include the activities of persons who, as volunteers, sell goods or services on behalf of not-for-profit organizations.'.

(b) DEFINITION OF OPPRESSIVE CHILD LABOR- Section 3(1) (29 U.S.C. 203(1)) is amended in the last sentence by insert after `occupations other than' the following: `youth peddling,'.

(c) PROHIBITION OF YOUTH PEDDLING- Section 12(c) (29 U.S.C. 212(c)) is amended by inserting after `oppressive child labor in commerce or in the production of goods for commerce' the following: `, or in youth peddling,'.

SEC. 4. CIVIL AND CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.

(a) CIVIL MONEY PENALTIES- Section 16(e) (29 U.S.C. 216(e)) is amended in the first sentence--

(1) by striking `\$10,000' and inserting `\$15,000';

(2) by inserting after `subject to a civil penalty of' the following: `not less than \$500 and'.

(b) CRIMINAL PENALTIES- Section 16(a) (29 U.S.C. 216(a)) is amended by adding at the end the following: `Any person who violates the provisions of section 15(a)(4), concerning oppressive child labor, shall on conviction be subject to a fine of not more than \$15,000, or to imprisonment for not more than 5 years, or both, in the case of a

willful or repeat violation that results in or contributes to a fatality of a minor employee or a permanent disability of a minor employee, or a violation which is concurrent with a criminal violation of any other provision of this Act or of any other Federal or State law.'.

SEC. 5. GOODS TAINTED BY OPPRESSIVE CHILD LABOR.

Section 12(a) (29 U.S.C. 212(a)) is amended by striking the period at the end and inserting the following: `: And provided further, that the Secretary shall determine the circumstances under which such goods may be allowed to be shipped or delivered for shipment in interstate commerce.'.

SEC. 6. COORDINATION.

Section 4 (29 U.S.C. 204) is amended by adding at the end the following:

^(g) The Secretary shall encourage and establish closer working relationships with non-governmental organizations and with State and local government agencies having responsibility for administering and enforcing labor and safety and health laws. Upon the request of the Secretary, and to the extent permissible under applicable law, State and local government agencies with information regarding injuries and deaths of employees shall submit such information to the Secretary for use as appropriate in the enforcement of section 12 and in the promulgation and interpretation of the regulations and orders authorized by section 3(1). The Secretary may reimburse such State and local government agencies for such services.'.

SEC. 7. REGULATIONS AND MEMORANDUM OF UNDERSTANDING.

(a) REGULATIONS- The Secretary of Labor shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act.

(b) MEMORANDUM OF UNDERSTANDING- The Secretary of Labor and the Secretary of Agriculture shall, not later than 180 days after the date of enactment of this Act, enter into a memorandum or understanding to coordinate the development and enforcement of standards to minimize child labor.

SEC. 8. AUTHORIZATION.

There is authorized to be appropriated to the Secretary of Labor such sums as may be necessary for to carry out this Act and the amendments made by this Act.

END

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-NOV-1998 07:49:14.00

SUBJECT: Responsible Fathers Grants

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

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 11/30/98 07:49 AM -----

Andrea Kane

11/27/98 03:18:53 PM

Record Type: Record

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

cc: Cynthia A. Rice/OPD/EOP

Subject: Responsible Fathers Grants

Here is an updated summary of the fathers grants idea. It reflects considerable staff-level input and general support from OVP, DOL and HHS, but has not yet gone through official clearance at the agencies. I do not believe the VP has been briefed yet (though his fatherhood advisors are on board), but that is supposed to happen shortly.

This is a more detailed discussion paper including options on several issues.

The biggest issue is still how to pay for the proposal. I need to touch bases w/ OMB on the status of funding for the Welfare-to-Work reauthorization, since this would likely be carved out of that amount. We'd be glad to discuss this further.

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D80]MAIL485143335.326 to ASCII,

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RESPONSIBLE FATHERHOOD GRANTS

Goal/Purpose

Strengthen families by helping fathers to be more effective and involved parents and responsible members of their community through: 1) Increasing the employment and earnings of low income fathers so they can better support their children either through child support or more take-home pay and 2) Promoting and supporting fathers' personal responsibility including paternity establishment, child support, community involvement, and marriage (when appropriate).

Eligible population

Generally, fathers who are committed to playing by the rules in terms of employment, paternity, child support, and responsible parenting. Depending on how eligibility is defined, the number of poor non-custodial fathers conservatively ranges from 300,000 to 1 million. This does not include fathers who live with some of their children but not others, nor does it include fathers in prison or living on military bases. The grants could also serve fathers living with their children if they need help with employment and parenting (limiting eligibility to non-custodial parents is a disincentive to marriage and/or family unification). Non-custodial mothers would be served in the same way as non-custodial fathers.

Allowable activities

Employment activities such as job placement, retention, re-employment, entrepreneurship, and advancement services, and skills training combined with work. Job-related support services if not otherwise available -- transportation, child care, clothes and tools. Other services to promote responsible fatherhood including: outreach; peer support, parenting, violence reduction, conflict resolution, and team parenting courses; legal assistance, mediation, counseling, treatment

Funding Level and Match

Approximately \$200 million in federal funds, with a small state minimum. (Assuming Fathers grants at 20% of WTW formula grants, smallest states would get approximately \$700,000). Assuming same match as WTW program: \$1 non-federal for every \$2 federal, possibly with expanded definition of allowable in-kind match. Consider allowing a small percent of Federal TANF \$ to be transferred out as match (requires further discussion).

Funding Flow and Delivery System

Allocate majority of funds on a formula basis to states who submit Responsible Fatherhood plans. Governor submits plan with mandatory sign-off from workforce, TANF, and child support agencies, designates lead agency at state level, and identifies mechanism for ongoing coordination among key agencies. Reserve about 15% at national level for research and evaluation, technical assistance, and discretionary grants to test national models. Provide set aside for formula grants directly to federally-recognize tribes who submit plan.

Substate Allocation:

Options

- 1) Same as WTW: 85% of funds to local PICs/workforce boards, 15% reserved for Governor's discretionary activities. Require local PICs to coordinate with public agencies responsible for TANF and child support. Encourage PICs to subcontract with private, community groups, including faith-based organizations, where appropriate. Provide waiver authority for Governor to designate alternate service delivery entity.
- 2) Allow Governor to allocate funds within state to entities that best meet state and local needs and circumstances. This could be done on a formula or competitive basis. Grant recipients would need to demonstrate coordination with local workforce, welfare, and child support systems.

Federal Administrative responsibility

Regardless of which federal agency administers the funds, there should be a strong mechanism for ongoing interagency involvement in reviewing state plans, providing technical assistance, sharing information among various constituencies, and coordinating with existing programs. Key agencies include: DOL; HHS/OCSE and ACF; HUD; Justice. SBA, DOT, Education and others also play a significant role.

Rationale

Most children on welfare live with a single (custodial) parent and depend on child support payments from their non-custodial parent (usually father) for additional financial support. As these families move from welfare to work and face time-limited welfare assistance, increasing the child support paid by non-custodial parents is critical. Many of these fathers work, but their employment tends to be unstable and confined to entry level jobs. A recent study found that 70 percent of poor non-custodial fathers had some involvement with the criminal justice system. These same fathers express strong interest in being involved with their children, by providing both financial and emotional support and serving as a positive force in their children's lives. There is growing, broad-based support for responsible fatherhood initiatives. WTW funding is an important new federal funding source but is limited to a subset of poor fathers whose children are on welfare.

RESPONSIBLE FATHERHOOD GRANTS

Goal/Purpose

- Strengthen families by helping fathers to be more effective and involved parents and responsible members of their community through:
 - 1) Increasing the employment and earnings of low income fathers so they can better support their children either through child support or more take-home pay.
 - 2) Promoting and supporting fathers' personal responsibility including paternity establishment, child support, community involvement, and marriage (when appropriate).

Rationale [needs to be refined and beefed up with statistics]

Most children on welfare live with a single (custodial) parent and depend on child support payments from their non-custodial parent (usually father) for additional financial support.

As these families move from welfare to work and face time-limited welfare assistance, increasing the child support paid by non-custodial parents is critical. Many of these fathers work, but their employment tends to be unstable and confined to entry level jobs. A recent study found that 70 percent of poor non-custodial fathers had some involvement with the criminal justice system. These same fathers express strong interest in being involved with their children, by providing both financial and emotional support and serving as a positive force in their children's lives.

Current Initiatives

The **Welfare-to-Work grants** administered by the Department of Labor can be used to provide employment-related services to certain non-custodial parents of children on welfare. Several states have focused their entire formula grant funds on non-custodial parents, others intend to serve a significant number of non-custodial parents along with custodial parents. In addition, 54 Welfare-to-Work competitive grants include non-custodial parents, with several of these grants focused exclusively on this population. However, these WTW services do not address the needs of a broader group of low-income fathers who do not themselves meet the WTW criteria or whose children are not currently on welfare.

The Office of Child Support Enforcement is funding eight **Responsible Fatherhood demonstrations projects** to help low-income, unmarried fathers who have established paternity become involved in the lives of their children and become financially responsible parents. Funding for projects in CA, CO, MD, MA, MO, NH, WA, and WI, along with a multi-site evaluation, totals \$1.5 million.

Eligible population

Generally, fathers who are committed to playing by the rules in terms of employment, paternity,

child support, and responsible parenting.

Depending on how the eligible population is defined, there are between 2 million and 5 million low income fathers, the majority of whom live with their children. The number of poor non-custodial fathers conservatively ranges from 300,000 to 700,000. Data from the 1990 SIPP indicates there are about 2 million fathers living in households with income below the poverty level, of which: 1.5 million fathers live with their children (resident dads), 300,000 do not live with any of their children (non-custodial dads), and 200,000 live with some of their children but not do not live with others (dual dads). An additional 2.7 million fathers live in households with income between 100% and 150% of the poverty level, including: 2 million resident dads, 400,000 non-custodial dads, and 275,000 dual dads. Looking at personal income, which is the basis for child support payments, about 3.8 million fathers have annual income below \$10,000, including: 2.3 million resident dads, 1 million non-custodial dads, and 450,000 dual dads. These figures considerably understate the number of low-income fathers because they do not include men in prison [approximately 1 million of whom are fathers?] nor those living on military bases, plus they reflect the census undercount of poor, young minority men.

Options:

- (1) **Preferred Option:** Low-income parents. Could define income eligibility as 150% of poverty, 185% of poverty, EITC eligibility, or below state or local average income of male earners (Fathers Count bill targets 80% of funds to the latter group).
- (2) Non-custodial parent of a child eligible for or receiving TANF, formerly received TANF, or at risk of receiving TANF. Could also non-custodial parents receiving Food Stamps -- provides link with population, by including fathers who are ABAWDs and Food Stamp E&T program.
- (3) 'Hard to Serve' non-custodial parents (current WTW definition). 70% criteria: either the child or the custodial parent has received TANF for at least 30 months or will become ineligible for assistance within 12 months due to a time limit *and* the non-custodial parent has two of the three barriers related to low education skills, substance abuse or poor work history. 30% criteria: noncustodial parent has characteristics associated with long-term welfare dependence.

All of the above income levels include fathers living with their children if they need help with employment and parenting (whether or not the parents are married). This could be open-ended, or limited to a certain percentage of the total grant funds. Limiting eligibility to non-custodial parents is disincentive to marriage and/or father living with children. Also, non-custodial mothers would be served in the same way as non-custodial fathers. Custodial parents on welfare are likely to be served under TANF or WTW.

NOTE: Options 2 and 3 are considered too narrow, administratively burdensome, and too tightly linked to welfare status of custodial parent.

Allowable activities

- Employment activities -- same as WTW activities, including job placement, post-placement services, retention, re-employment, advancement. Include education and training tied to employment (allowing stand-alone education and training raises equity issue with custodial parents). Also include entrepreneurship (build in link with IDAs).
- Employment-related supportive services if not otherwise available -- transportation, child care, work-related expenses such as clothes and tools. Consider including one-time/short-term health care and housing expenses needed to help someone get or keep a job. Whether to include ongoing health or housing assistance, i.e. monthly insurance premiums, needs further discussion. Encourage private sector involvement, including partnerships with health care providers (e.g. Kaiser Permanente provides insurance coverage for participants, including fathers, in Baltimore Healthy Start programs for a minimal monthly premium).
- Other services to promote responsible fatherhood including: outreach, peer support groups, parenting classes, violence reduction, conflict resolution, team parenting courses, legal assistance, mediation, counseling, treatment, and other items related to the purpose of the program.
- Allow reasonable administrative expenses (15% to be consistent with WTW funds).
- Encourage employment of low-income non-custodial fathers to help collect child support from other non-custodial parents and reinforce the importance of responsible fatherhood. [being done in MD Responsible Fatherhood project?]

Funding flow and Service delivery system

Federal to State

- Allocate majority of funds on a formula basis to states who submit Responsible Fatherhood plans.
- Formula factors:
Options [DOL/HHS: need to do runs]
 - Population (Fathers Count)
 - Low income men (data on fathers not available at sub-state level)
 - Poverty + number of children not living with both parents (similar to Access and Visitation grants)
 - WTW formula (poverty and welfare receipt)
- Reserve 15% at national level for Secretary to provide research and evaluation, Technical Assistance, and discretionary grants to test national models. Assuming \$200 M, 15% = \$30 M. (Fathers Count earmarked \$10 M/year for research & evaluation, and \$10 M for

TA.)

Tribes

- Set aside for formula grants directly to federally-recognize tribes who submit plan.

Substate Allocation:

Options

- 1) Same as WTW: 85% of funds to local PICs/workforce boards, 15% reserved for Governor's discretionary activities. Require local PICs to coordinate with public agencies responsible for TANF and child support, with community and faith based organizations involved in fatherhood issues, and with EZ/ECs. Encourage PICs to subcontract with private organizations where appropriate. Could provide waiver authority for Governor to designate alternate service delivery entity. Establish minimum grant size similar to WTW funds.
- 2) Allow Governor to allocate funds within state to entities that best meet state and local needs and circumstances. This could be done on a formula or competitive basis. Grant recipients would need to demonstrate coordination with local workforce, welfare, and child support systems, at a minimum.

NOTE: Assuming charitable choice provision in TANF applies to WTW, states can contract with religious organizations.

Federal Administrative responsibility

- Regardless of which federal agency administers the funds, there should be a strong mechanism for ongoing interagency involvement in reviewing state plans, providing technical assistance, sharing information among various constituencies, and coordinating with existing programs. Key agencies include: DOL; HHS/OCSE and ACF; HUD; Justice. SBA, DOT, Education and others also play a significant role.

Plan requirements

- Governor submits plan with mandatory sign-off from workforce, TANF, and child support agencies. Designates lead agency at state level and identifies mechanism for ongoing coordination among key agencies, such as Interagency Memorandum of Agreement. For example, state might have existing Fatherhood Task Force. Could require state to get sign-off from, or demonstrate coordination with, at least one other relevant agency such as Criminal Justice, Education, Housing or Health. Plan should document how coordination will occur at service delivery level, including referral process.

Total funding level

- Approximately \$200 million, with a small state minimum [DOL doing runs with \$200M allocated based on population and WTW formula; HHS doing runs based on low-income men and modified version of A&V formula]. (Assuming Fathers grants at 20% of WTW formula grants, smallest states would get approximately \$700,000)

Match

Options

- (1) Current WTW match: \$1 non-federal for every \$2 federal. Up to 50% can be met in-kind.
- (2) \$1 non-federal for every \$2 federal. Up to 75% in-kind.
- (3) No match (Fathers Count). (Not recommended due to equity with other WTW funds)

Existing foundation-funding for Fatherhood demos could count toward match. Also consider broad definition of in-kind match and flexibility on timing -- not all required in 1st year. Consider allowing a small percent of Federal TANF \$ to be transferred out as match (requires further discussion).

Evaluation

- Require cooperation with evaluation as condition of receiving grant funds.

Technical Assistance

- Provide authority and funding for federal agency(s) to provide or contract for technical assistance for state and local grantees.

Performance Measures

- Identify several core measures in legislation, such as increased employment and earnings of fathers; increased payment of child support; increased involvement with children; reduction in criminal activity/recidivism(?).
- Require Governors to identify additional measures by which they'll hold programs accountable.

Waivers

- Allow states to propose waivers necessary to put together a package of services that make sense at the community level (similar to EZ/EC).
- Explore discussion of special language to permit retroactive modification of child support order, for fathers participating in this program where appropriate. This is potentially controversial, but may be less so when targeted on low-income fathers. (Needs further discussion with ACF and OCSE).
- Consider deferral of arrearages for fathers participating in employment-related activities including education and training combined with work, community service, and certain parenting activities as incentive for low-skilled fathers to build skills and increase earning potential. (Do states have this authority now?)

Issue is federal share of collections.)

Other Issues

- Build in protections for victims of domestic violence and allow batterers intervention services. Also recognize fathers who were themselves victims.
- Encourage fathers to get involved before child is born--prenatal and link with in-hospital paternity programs.
- Sort out how this relates to other WTW funds spent on non-custodial parents -- for example, would MI and MO use this to expand population served by their regular WTW formula grants? Would DOL still award regular WTW competitive grants for non-custodial fathers, or focus those funds on other populations?
- Encourage links with criminal justice system and incarcerated fathers about to be released.
- Consider link with child support financing process, including issue of child support disregard or pass through. Also explore link with possible child support assurance demonstrations(?).
- Be mindful that some fathers have children with more than one women and in more than one household.