

**NLWJC - KAGAN**

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**ARMS - BOX 007 - FOLDER 002**

**[1/6/1999 - 1/14/1999]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Bruce Reed. Subject: Possible visit. (2 pages)	01/11/1999	Personal Misfile
002. email	Elena Kagan to Bruce Reed re: returning your call (2 pages)	01/11/1999	P6/b(6)
003. email	Elena Kagan to Maria Echaveste re: names (1 page)	01/11/1999	Personal Misfile
004. email	Phone No. (Partial) (1 page)	01/13/1999	P6/b(6)
005. email	Phone No. (Partial) (1 page)	01/13/1999	P6/b(6)

**COLLECTION:**

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

**FOLDER TITLE:**

[1/6/1999 - 1/14/1999]

2009-1006-F  
kh572

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-JAN-1999 07:46:42.00

SUBJECT: SOTU BOOK

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

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 01/06/99 07:47  
AM -----

Paul J. Weinstein Jr.

01/05/99 07:45:18 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Christopher C.  
Jennings/OPD/EOP, Michael Waldman/WHO/EOP  
Subject: SOTU BOOK

Once again, we will prepare a "New Ideas" book that will explain in greater detail the proposals presented by the President in his State of the Union. Each idea in the SOTU will be explained in the book. One paragraph (1/3 to 1/2 a page max) per idea. Cost, if relevant should be included. This book is distributed to the press, Members of Congress, public interest groups, and other governmental offices. The style of the paragraphs should be the same as our one-pagers.

We need to have drafts of your one-pagers by COB Thursday, January 14th. They will be reviewed by Elena, Bruce, and Chris over the weekend and go to press on Monday. SOTU is the 19th. If you are not certain if an idea will or will not be included, write it up if you think there is at least a 50% chance of it making it in the speech.

Attached is a draft of last year's document.

Message Sent

To:

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Sarah A. Bianchi/OPD/EOP  
Michael Cohen/OPD/EOP  
Laura Emmett/WHO/EOP  
Cathy R. Mays @ EOP @ LNGTWY  
Leanne A. Shimabukuro @ EOP @ LNGTWY  
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# PREPARING AMERICA FOR THE 21st CENTURY

## *Background on President Clinton's Agenda for the Nation*

### *State of the Union Address*

*January 27, 1998*

#### **ECONOMY THAT OFFERS OPPORTUNITY**

##### **Education**

- Smaller Classes with Qualified Teachers to Improve Reading in Grades 1-3
- Modern School Buildings to Improve Student Learning
- Education Opportunity Zones: Helping Students in Poor Communities Reach High Standards
- Expanding Access to Safe After-School Care
- Mentoring: Early Intervention to Promote College Attendance

##### **Leading the Global Economy**

- Community Economic Adjustment Initiative
- Fast Track Trading Authority
- Africa Trade Initiative
- Child Labor

##### **Training**

- GI Bill for Workers

#### **A SOCIETY ROOTED IN RESPONSIBILITY**

##### **Moving People from Welfare to Work**

- Welfare-to-Work Housing Vouchers
- Increasing Child Support Collections
- Falling Welfare Caseloads
- Business Welfare-to-Work Commitments

##### **Health Care**

- Consumer Bill of Rights and Genetic Screening Protections
- Providing New Options for Americans Ages 55 to 65 to Access Health Insurance
- 21st Century Research Fund

##### **Tobacco**

- Passing Comprehensive Bipartisan Tobacco Legislation

##### **Child Care**

- Double the Number of Children Receiving Child Care Subsidies to More than Two Million
- Increase Tax Credits for 3 Million Families
- Provide New Business Tax Credits
- Promote Early Learning
- Provide After-School Care for up to Half a Million Children
- Step Up Enforcement of State Health and Safety Standards
- Facilitate Background Checks on

##### **Child Care Providers**

- Increase Scholarships for Training for Child Care Providers
- Invest in Research
- Increase Head Start and Double the Number of Children Served by Early Head Start

##### **Crime**

- Juvenile Justice Crime Bill
  - Preventing Under 21s from buying guns
  - New Prosecutors and Probation Officers
  - Tough, New Sentences on Drug Dealers
  - Funding to Keep Schools Open Later and Promote Anti-Truancy Initiatives and Curfews

##### **Foreign Policy**

- NATO Enlargement
- Securing the Peace in Bosnia
- Nuclear Test Ban Treaty
- Strengthening the Biological Weapons Convention
- U.S. Arrears to the United Nations

#### **A NATION THAT LIVES BY COMMUNITY**

##### **Political Reform/Reinventing Government**

- Free Television Time
- Enact Bipartisan Campaign Finance Reform
- IRS Reform

##### **Community Empowerment**

- Low-Income Housing Tax Credit
- Second Round of Empowerment Zones
- "Play-By-the-Rules" Homeownership Proposal
- Homeownership Zones

##### **Environmental Protection**

- Climate Change initiative
- Clean Water Initiative
- Food Safety

##### **Civil Rights**

- Reforming and Strengthening the EEOC

#### **THE MILLENIUM PROJECT**

##### **Technology**

- A Family-Friendly Internet
- Making the Internet a Global Free-Trade Zone
- Cloning

##### **Culture**

Automated Records Management System  
Hex-Dump Conversion

- Save America's Cultural and Historical Treasures

## ***AN ECONOMY THAT OFFERS OPPORTUNITY***

### **ENTITLEMENT REFORM**

#### **Reserve Surplus until Social Security is Reformed**

Over the next two years, President Clinton is firmly committed to strengthening Social Security for the 21st century. He therefore proposes that we should not spend any of the projected budget surpluses on anything else until we have reformed Social Security. This proposal, which continues the fiscally responsible policies that have been the hallmark of this Administration, is intended to reserve the surpluses in case they are needed for Social Security reform.

### **EDUCATION**

#### **Small Classes with Qualified Teachers to Improve Reading in Grades 1-3**

President Clinton is proposing a \$12.4 billion initiative over 7 years (\$7.3 billion over 5 years) to help local schools provide small classes with qualified teachers in the early grades. This initiative will help ensure that every child receives personal attention, learns to read independently, and gets a solid foundation for further learning. The new initiative will reduce class size from a nationwide average of 22 in grades 1-3 to an average of 18, providing funds to help local school districts hire an additional 100,000 well-prepared teachers. The initiative will also provide funds to states and local school districts to test new teachers, develop more rigorous teacher testing and certification requirements, and train teachers in effective reading instruction practices. School districts will be accountable for demonstrating gains in reading achievement. These steps will help ensure that first through third grade students are receiving high-quality reading instruction in smaller classes from competent teachers.

#### **Modern School Buildings to Improve Student Learning**

For students to learn, schools must be well-equipped and be able to accommodate smaller class sizes. To address these and other critical needs, President Clinton is proposing federal tax credits to pay interest on nearly \$22 billion in bonds to build and renovate public schools. This initiative provides more than double the assistance of the Administration's earlier school construction proposal, which covered half the interest on an estimated \$20 billion in bonds. The tax credits will cost the Treasury \$5 billion over 5 years, and more than \$10 billion over ten years. Of the \$22 billion in bond authority, nearly \$20 billion for a new School Modernization Bonds. Half of this bond authority will be allocated to the 100 school districts with the largest number of low-income children, and the other half will be allocated to the states.

#### **Education Opportunity Zones:**

## **Helping Students in Poor Communities Reach High Standards**

This initiative will strengthen public schools and help students master the basic and advanced skills where the need is greatest: in high-poverty urban and rural communities where low expectations, too many poorly prepared teachers, and overwhelmed school systems create significant barriers to high achievement. The Education Department will select approximately fifty high-poverty urban and rural school districts with: (1) a demonstrated commitment to use high standards and tests as tools to identify and provide help to students, teachers and schools who need it; (2) a strategy to prevent students from falling behind by ensuring quality teaching, challenging curricula, and extended learning time; (3) programs to end social promotion and turn around failing schools; and (4) evidence of improved student achievement. Added investments in these communities will accelerate their progress and provide models of successful, standards-based reform for the nation. The President's initiative will invest \$200 million in FY99, and \$1.5 billion over 5 years, in raising achievement and sharing lessons learned with school districts around the country.

## **Early Intervention to Promote College Attendance**

President Clinton will soon announce a long-term effort to bring college opportunity to children in high-poverty areas by providing their families with early information about financial aid and appropriate academic preparation, as well as mentoring and other support services to help the children stay on track through high school graduation and into college.

## **LEADING THE GLOBAL ECONOMY**

### **Fast Track**

America needs fast track to continue to create higher-paying jobs for more Americans. Without it, America's role as the largest exporter in the world will be put in jeopardy. And with new markets opening around the world, it is more important than ever to give the President traditional trade authority to break down trade barriers that put American products made by American workers at a disadvantage. Fast track legislation is essentially an agreement between Congress and the president on how Congress will consider United States trade agreements negotiated by the President. As part of that deal, the President agrees to extensively consult and coordinate with Congress throughout trade negotiations. In return, Congress votes on legislation implementing trade deals within a fixed period of time, on a up or down basis, and with no amendments. Every president since 1974 has enjoyed fast track authority.

### **Africa Trade Initiative**

**We are working with members from both parties to secure swift passage of legislation that will bring the promise of 21st century prosperity to African nations that are prepared to undertake the hard work of reform. This legislation will introduce a new era of prosperity and partnership between African reformers and the United States, expanding trade opportunities for African and American workers, farmers and companies, and hope and opportunity for our children. This legislation will encourage African nations to undertake sound growth policies by expanding trade and encouraging investment.**

## **Child Labor**

**This initiative will make the U.S. a world leader in the fight to reduce child labor. The initiative focuses on reducing the most intolerable forms on child labor --“slavery” through forced or indentured labor, work by very young children, and work in dangerous conditions -- by increasing the nation’s contribution to the International Program for the Elimination of Child Labor (IPEC) from \$3 million to \$30 million. The proposal also calls for additional agents for the U.S. Customs Service to enforce the ban on the importation of goods made with forced or indentured child labor, with a particular focus on rugs from South Asia. On the domestic front, the proposal includes a \$50 million increase in migrant education to serve 100,000 more children of migrant farm workers and a \$9 million increase in the Department of Labor budget to enforce U.S. child labor laws -- especially in the agricultural sector.**

## **Community and Economic Adjustment Initiative**

**To help communities compete in a global economy, the Community and Economic Adjustment Initiative will borrow a page from the Administration’s successful adjustment effort for base closure communities. Modeled after the Defense Department’s highly respected Office of Economic Adjustment, the Office of Community and Economic Adjustment (OCEA) will provide grants and other assistance to communities to develop an economic adjustment strategy. The President will propose \$50 million in additional community adjustment assistance as part of the Commerce Department’s Economic Development Administration’s (EDA) budget. This will allow us to do more for communities that have suffered through sudden and severe economic dislocation, such as plant closings. As OEA has done for base closure communities, OCEA will closely with the Departments of Labor, Housing and Urban Development, Transportation, and other federal agencies to make communities aware of all available federal resources and to provide a coordinated Administration response.**

## **TRAINING**

### **Reform of the Federal Job Training System**

The President renewed his call for Congressional action to reform the job training system. In his 1995 G.I. Bill for America’s Workers, he called for individual empowerment through skills grants, streamlining through One Stop Career Centers, and better results through tough performance standards. The House has passed legislation based on his vision. The Workforce Investment Partnership Act has bipartisan support and is under consideration in the Senate.

## ***A SOCIETY ROOTED IN RESPONSIBILITY***

### **MOVING PEOPLE FROM WELFARE TO WORK**

#### **Welfare to Work Housing Vouchers**

The President's budget will provide \$283 million in FY99 for 50,000 new housing vouchers for welfare recipients who need housing assistance to get or keep a job. Families could use these housing vouchers to move closer to a new job, to reduce a long commute, or to secure more stable housing to eliminate emergencies that keep them from getting to work every day on time. These vouchers, awarded to communities on a competitive basis, will give people on welfare a new tool to make the transition to a job and succeed in the work place. The proposal will complement the President's \$100 million a year welfare to work transportation plan, part of his NEXTEA bill, which will help welfare recipients make their daily commutes.

#### **Increasing Child Support Collections**

President Clinton's crackdown on deadbeat parents is paying off: child support collections rose to a record \$13 billion in 1997, an increase of 63 percent since 1992. In the State of the Union, the President set a goal of increasing collections to \$20 billion by the year 2000.

#### **Falling Welfare Caseloads**

**The President announced that we have met -- two years ahead of schedule -- the challenge he made in last year's State of the Union to move two million more Americans off of welfare by the year 2000.** New caseload numbers show that welfare caseloads fell by 4.3 million since President Clinton took office, two million more than the 2.25 million decline he announced last year. The new figures, from September 1997, show 9.8 million Americans on welfare, down from 14.1 million in January 1993 - a drop of 30 percent.

#### **Business Welfare to Work Commitments**

In his State of the Union address last year, the President challenged the business community to create jobs so that people can move from welfare to work. Today, nearly 3,000 companies have accepted the President's challenge and joined a new national effort, called the Welfare to Work Partnership, which was launched at the White House in May. Now, the President has challenged thousands more companies to join the Partnership to give even more people a chance to work their way off welfare.

## **HEALTH CARE**

## **Protecting Patients Through a Consumer Bill of Rights and Genetic Screening Protections**

The President called on Congress to pass federally enforceable consumer health care protections before it adjourns this fall. This Health Care Bill of Rights should contain a range of protections, including guaranteed access to needed health care specialists **to ensure that patients are provided appropriate high quality care**, access to emergency room services when and where the need arises, an assurance that medical records are confidential, and access to a meaningful **internal and external appeals process for consumers to resolve their differences with their health plans and health care providers**. **The nation's health care system has changed dramatically, with more than 100 million Americans now in managed care plans. This legislation will ensure that whether Americans have traditional health insurance or managed care, they are assured quality care. And to ensure that new advances in genetics are used to improve health rather than to discriminate, the President has called for legislation prohibiting the use of genetic screening to discriminate in health insurance and employment.**

## **Creating a Historic "21st Century Research Fund"**

With Unprecedented Increases in Biomedical Research at the National Institutes of Health (NIH). Scientists are on the cusp of important new breakthroughs in biomedical research, which could revolutionize the way medical experts understand, treat, and prevent some of our most devastating diseases. To promote this progress, the President's budget contains a historic upfront investment in biomedical research -- a 1.15 billion increase in FY 1999 -- and proposes an increase in NIH funding of more than 50 percent over the next five years. Under the President's proposal, the NIH will devote over \$20 billion to biomedical research in 2003.

## **Providing New Options for Americans Ages 55 to 65 to Obtain Health Insurance, Including Buying Into Medicare**

Americans ages 55 to 65 are one of the most difficult-to-insure populations: they have less access to and a greater risk of losing employer-based health insurance; and they are twice as likely to have health problems as the population generally. The President's proposal gives this vulnerable population three new ways to gain access to health insurance by: (1) allowing Americans ages 62 to 65 to buy into Medicare, through a premium that ensures that this policy is self-financed; (2) assisting vulnerable displaced workers 55 and over by offering those who have involuntarily lost their jobs and health care coverage a similar Medicare buy-in option; and (3) giving Americans 55 and over who have lost their retiree benefits access to their former employers' health insurance.

## **TOBACCO**

### **Passing Comprehensive Bipartisan Tobacco Legislation That Reduces Teen Smoking and Changes the Way Tobacco Companies Do Business**

Every day 3,000 young people start smoking and 1,000 of them will die prematurely from a tobacco-related disease. The President called on Congress to pass comprehensive national bipartisan legislation that includes five key principles: (1) it must mandate the development of a comprehensive plan to reduce teen smoking, including raising the cost of cigarettes by \$1.50 per pack over the next 10 years as necessary to meet youth smoking targets; (2) it must affirm the FDA's full authority to regulate tobacco products; (3) it must include measures to hold tobacco companies accountable, especially for marketing products to children; (4) it must include concrete measures to improve public health, from investing in research to reducing second-hand smoke to expanding smoking cessation; and (5) it must protect the financial well-being of tobacco farmers and their communities from the loss of income caused by our efforts to reduce smoking.

## **CHILD CARE INITIATIVE**

### **Double the Number of Children Receiving Child Care Subsidies to More than Two Million**

The President proposed to expand the Child Care and Development Block Grant to help working families struggling to meet the costs of child care. This block grant is the primary federal subsidy program to pay for child care, enabling low-income parents to work. Funds are distributed by formula to the states to operate direct child care subsidy programs, as well as to improve the quality and availability of care. The President's initiative will more than double the number of children served from the one million served in FY 95 (the latest year for which data are available). The President's budget will increase funding for the block grant by \$7.5 billion (plus a state match) over five years, which will enable states to provide subsidies for more than two million children by 2003.

### **Increase Tax Credits for Child Care for Three Million Working Families**

The Child and Dependent Care Tax Credit provides tax relief to taxpayers who pay for the care of a child under 13 or a disabled dependent or spouse in order to work. The credit is equal to a percentage of the taxpayer's employment-related expenditures for child or dependent care, with the amount of the credit depending on the taxpayer's income. The President's proposal increases the credit for families earning under \$60,000, providing an additional average tax cut of \$358 for these families and eliminating income tax liability for almost all families with incomes below 200% of poverty (\$35,000 for a family of four) that claim the maximum allowable child care expenses. The President's budget will include \$5.2 billion over five years to expand the Child and Dependent Care Tax Credit for three million working families.

## **Provide New Business Tax Credits**

**The child care initiative includes a tax credit to businesses that provide child care services for their employees, by building or expanding child care facilities, operating existing facilities, training child care workers, or providing child care resources and referral services. The credit covers 25% of qualified costs, but may not exceed \$150,000 per year. The President's budget will include approximately \$500 million over five years for these tax credits.**

## **Promote Early Learning**

**Research shows that children's experiences in the earliest years are critical to their development and future success. The President's proposed Early Learning Fund provides challenge grants to communities (distributed by states) to improve early learning and the quality and safety of child care for children ages zero to five. Funds may be used for the following activities: providing basic training to child care providers (including first aid and CPR); connecting individual child care providers to centers for education and support; assisting child care providers to meet accreditation and licensing requirements; linking child care providers with health professionals, and supporting the inclusion of young children with special needs in quality child care settings; reducing group sizes and child-to-staff ratios; and providing home visits, parent education, and consumer education about child care. The President's Early Learning Fund builds on state initiatives such as North Carolina's Smart Start, which helps North Carolina's children enter school healthy and ready to succeed. The President's budget will include \$3 billion over five years for this fund.**

## **Increase Head Start and Double the Number of Children Served by Early Head Start**

**Head Start provides early, continuous and comprehensive child development and family support services, preparing children for a lifetime of learning and development. The President's budget will invest an additional \$3.8 billion over five years to reach his goal of serving one million children by 2002, and doubling the number of infants and toddlers in Early Head Start to 80,000.**

## **Step Up Enforcement of State Health and Safety Standards**

**Building on the military's model child care program, this proposed initiative will fund state efforts to improve licensing systems and enforce child care health and safety standards, including by increasing unannounced inspections of child care settings. The President's budget will include \$500 million over five years for this program.**

## **Facilitate Background Checks on Child Care Providers**

**On the day of the White House Conference on Child Care, the President transmitted to Congress the National Crime Prevention and Privacy Compact, which will facilitate effective background checks on child care providers by eliminating state law barriers to sharing criminal history information for non-criminal purposes. Although the vast majority of child care providers are dedicated to the teaching and nurturing of children, one tragedy in child care is too many.**

**Background checks are an important way to ensure that the people watching our children are fit for this responsibility.**

### **Increase Scholarships and Training for Child Care Providers**

**At the White House Conference on Child Care, the President proposed establishing a Child Care Provider Scholarship Fund to enable states to provide scholarship funds to students working toward a child care credential. Eligible child care workers must commit to remaining in the field for at least one year for each year of assistance received and will earn increased compensation or bonuses when they complete their course work. The President proposed a federal investment of \$250 million over five years, which will support 50,000 scholarships per year. The President is also proposing to expand the Department of Labor's Child Care Apprenticeship Program to fund the training of child care providers.**

### **Invest in Research**

**Because too little is known about our child care system, the President's budget will increase support for data, research, and evaluation. This research fund will also support a National Center on Child Care Statistics and a child care hotline that parents can call to get information about how to find child care in their communities and how to identify appropriate, quality care for their children. In addition, the research fund will support demonstration projects to test approaches to help new parents who choose to stay home to care for their newborns or newly adopted children. The President's budget will include \$150 million over five years for this fund.**

### **Provides After-School Care for up to Half a Million Children a Year**

The President proposes a dramatic expansion of the 21st Century Community Learning Center Program to provide start-up funds (with a local match) to school-community partnerships to establish or expand before- and after-school programs for school-age children. The program increases the supply of after-school care in a cost-effective manner by directing most funds to programs that use public schools and their existing resources, such as computers, gymnasiums, and sports equipment. The program also includes a set-aside to fund programs run by community organizations. The President's budget will request \$800 million of new money for this program, for a total of \$1 billion over five years.

## **CRIME**

### *Juvenile Crime Strategy*

This initiative recognizes the threat juvenile crime poses to our communities and calls on Congress to pass a comprehensive anti-gang and youth violence strategy. The President's proposed legislation targets gangs and violent juveniles by (1) funding for new prosecutors (\$100 million) and probation officers (\$60 million); (2) helping our kids to stay gun- and drug-free by preventing violent juveniles from buying guns when they turn 21; (3) enacting tough new sentences to punish adults who sell drugs to kids and use kids to sell drugs; (4) helping kids to stay in school, off drugs, and out of trouble with new funding to

keep schools open later and to promote anti-truancy initiatives and curfews (\$95 million). In addition, the President's Child Care Initiative increases five-fold current funding for Department of Education-sponsored after school programs.

## **AMERICAN LEADERSHIP IN THE WORLD**

### **NATO Enlargement**

Europe's stability and America's security are closely linked. The President's call for enlarging the NATO alliance strengthens the alliance's core mission of collective defense and helps meet new threats such as regional instability. Enlargement furthers other US objectives including: Encouraging states in the region to settle border and ethnic disputes with neighbors; strengthen civilian control of their militaries; and increase tolerance for ethnic and religious minorities. NATO's enlargement, combined with the Partnership for Peace program, the NATO-Russia Founding Act and the NATO-Ukraine partnership will help erase the outdated Cold War divisions and build, for the first time, an undivided, democratic, and peaceful Europe.

### **Securing the Peace in Bosnia**

The United States has an abiding interest in peace and stability in Bosnia and a compelling interest in the implementation of the Dayton peace accords. After 46 months of the worst war in Europe since WWII, 24 months of implementing peace have helped put Bosnia on the path to lasting peace and stability. Progress on implementation was made possible because of prudent military support. We can now see the point where civil implementation and peace can be self-sustaining -- but Bosnia's fragile peace still needs the support of American and allied troops when the current NATO mission ends in June. The President still must approve a detailed action plan being prepared by NATO military authorities after a full review of all options. The President will insist that this action plan have the following elements: an achievable mission tied to clear benchmarks, not a deadline; force must be able to protect itself; the U.S. must retain command; European allies must shoulder their full share of responsibility; costs must be manageable; and the plan must have substantial support of the Congress and the American people.

### **Iraq Weapons of Mass Destruction Program (WMD)**

President Clinton made clear that Iraq's efforts to develop nuclear, chemical and biological weapons are unacceptable. U.N. inspectors have done a remarkable job -- destroying more of Iraq's WMD potential than was destroyed during the Gulf War itself. But Saddam is now refusing to allow inspectors to complete their mission. All options are on the table to make sure Iraq does not pursue their WMD program with impunity and threaten the international community.

### **Biological Weapons**

President Clinton announced tonight that the United States would lead the effort to erect stronger international barriers against the proliferation and use of biological weapons. Under this new initiative, the United States will seek to strengthen the Biological Weapons Convention (BWC) by requiring nations

that have joined the BWC to submit annual declarations about facilities and activities that could be used for Biological weapon purposes and agree to a tough international inspection system including both voluntary and mandatory inspections.

### **Comprehensive Test Ban Treaty (CTBT)**

The President's call for Senate ratification of the CTBT will allow America to maintain a safe and reliable nuclear deterrent while constraining the proliferation of nuclear material and technology to rogue states' weapons programs. CTBT will improve America's ability to detect and deter nuclear explosive testing. CTBT's global network of sensors will strengthen America's ability to monitor nuclear explosive testing across the globe, as well as deter any nation from believing it can conduct a nuclear explosive test undetected by the international community.

### **U.S. Arrears to the United Nations**

The President also highlighted the need for prompt action on the payment of U.S. arrears to the United Nations. The failure to pay undermines our ability to reform the U.N. and hinders our leadership of that organization at very time the U.N. is working to prevent Iraq from threatening neighbors and the world with weapons of mass destruction. We also need to give the International Monetary Fund the capacity to help prevent global financial crises. Now, more than ever, our security at home and our interests abroad demand that America meet our international obligations, sharpen the tools to improve the stability of the world economy, and increase our leverage in international organizations.

## ***A NATION THAT LIVES BY COMMUNITY***

### **POLITICAL REFORM/REINVENTING GOVERNMENT**

#### **Free Television Time**

Spending on congressional campaigns has increased more than three times the rate of inflation in the last decades and spending on television is the primary reason. In 1972, candidates spent \$25 million for political ads; in 1996, they spent \$400 million. In his State of the Union, President Clinton announced that will request that the Federal Communications Commission (FCC) require broadcasters to give candidates for Federal office free time as a condition of receiving a new, lucrative license for digital television. It is time to update broadcasters' public interest obligations to meet new political and technological realities.

#### **Enact Bipartisan Campaign Finance Reform**

The President remains committed to the enactment of bipartisan campaign finance reform. He is pleased that the leadership in Congress has agreed to schedule a vote this Spring on the McCain-Feingold and Shays-Meehan reform bills. But a vote on these bills is not enough. In his State of the Union the President challenged Congress to enact real reform this year. Acceptable campaign finance reform legislation must meet five criteria: 1) it must be bipartisan; 2) it must be comprehensive; 3) it must reduce the amount of money that is raised and spent on federal elections; 4) it must help level the playing field

between challengers and incumbents; and 5) it cannot favor one party over the other.

## **IRS Reform**

**President Clinton is strongly committed to reforming the IRS. This spring the Administration will launch the first of 33 Citizen Advocacy Panels. These new panels will be locally-based, independent boards of citizens established to monitor how local IRS offices treat taxpayers and help taxpayers get their problems solved. These new panels are part of the new era of customer service underway at the IRS. The successful new IRS problem solving days, which have helped thousands of taxpayers get relief, will continue around the country on a monthly basis. Additionally, as of the first of the year, IRS phones are now operating 16 hours a day, six days a week. For the first time, IRS offices will be open Saturday mornings during the tax filing season – March through mid-April -- to provide taxpayers a convenient opportunity to walk-in and get any questions answered. Also, the IRS expects this year to expand its award-winning Telefile program. This innovative program allowed 4.7 million taxpayers to file their returns with a quick average 10 minute phone call last year.**

## **COMMUNITY EMPOWERMENT**

### **Low-Income Housing Tax Credit**

**Since its creation in 1986, the Low-Income Housing Tax Credit (LIHTC) has given states tax credits of \$1.25 per capita to allocate to developers of affordable housing. Even though building costs have increased 40 percent in the last decade, the amount of the credit has not been adjusted for inflation. Therefore, President Clinton and Vice-President Gore propose to increase the cap on the LIHTC from \$1.25 per capita to \$1.75 per capita — restoring the value of the credit to its 1986 level. Estimates suggest that the LIHTC currently helps build 80,000-90,000 affordable housing units each year. The President and Vice President's proposal to increase the cap by 40 percent will create an additional 160,000-180,000 new rental housing units for low-income American families over the next five years. This proposal will cost \$1.6 billion over five years.**

### **Empowerment Zones**

**Building on the Administration's successful first round of Empowerment Zones which has helped spur the creation of jobs and private investment in America's distressed communities, the President's budget includes a request for \$1.7 billion to support flexible grants to 20 new Empowerment Zone designations. The funding will be made available to the designated communities over a 10 year period. The 15 urban designations will be funded at \$100 million each; and the five rural designations will be funded at \$40 million each. The Departments of Housing and Urban Development and Agriculture will announce a competition this Spring that will lead to the designation of the 20 new Empowerment Zones by December 1998.**

## **“Play-by-the-Rules” Homeownership Proposal**

**The President’s FY99 budget provides funds for the Neighborhood Reinvestment Corporation to start a new initiative to help provide the opportunity of homeownership to responsible families with a perfect rental history. Under this initiative, we will help 10,000 lower-income -- and often minority -- families become homeowners. While the method of helping each family buy their own home will differ, responsible families we will be provided homeownership counseling, flexible assistance for downpayment or closing costs, second mortgage loans for debt reduction, or rehabilitation loans.**

## **Homeownership Zones**

**The FY99 budget includes funds for Homeownership Zones to be used by communities to reclaim abandoned and distressed neighborhoods through the creation of large-scale developments of owner-occupied single-family homes. Funds could be used for property acquisition, housing construction, housing rehabilitation, demolition, site preparation, homeownership counseling, relocation, housing marketing, activities to ensure fair housing, and other activities essential to homeownership.**

## **ENVIRONMENT**

### **Climate Change Initiative**

**Following the historic agreement reached in Kyoto in December 1997, and as part of the President’s and Vice President’s ongoing efforts to address climate change, the President is proposing a dramatic new program of tax cuts and R&D aimed at cutting greenhouse gas emissions. The proposed package contains tax cuts to promote energy efficiency and additional research and development spending covering the four major carbon-emitting sectors of the economy (buildings, industry, transportation, and electricity), plus carbon removal and sequestration, Federal facilities, and cross-cutting analyses and research. This package complements the other elements of the Administration’s climate change plan, which include working with industry to develop sector-by-sector initiatives to cut emissions, incorporating energy efficiency goals into Federal procurement and energy use, and restructuring the electricity industry. These efforts strive to reduce greenhouse gas emissions by improving efficiency and reducing costs to the consumer. They provide a solid step on the way to meeting the goals of the Kyoto Agreement.**

### *Clean Water Initiative*

This initiative will ease threats to the environment and public health by helping states and communities curb polluted runoff from farms and city streets, reducing exposure to harmful organisms and toxic contaminants in drinking water and fish, and promoting community-based watershed management in partnership with landowners and affected industries. The initiative targets the 40 percent of the nation's waterways still unsafe for fishing and swimming. It provides substantial new resources to assist states in implementing these programs and to create incentives for farmers to adopt practices that protect water quality.

### **Food Safety Initiative**

The Clinton Administration launched a new food safety initiative last year to put in place new science-based preventive systems to improve the safety of seafood, meat, and poultry and begin work on a new early warning system to help detect and respond to outbreaks of food borne illness. Our budget will seek an even more substantial increase in funding to further enhance food safety. The resources will go to a variety of initiatives, including: giving FDA authority to prevent the importation of produce from countries without safety precautions equivalent to our own; hiring FDA inspectors to improve the safety of fruits and vegetables, both domestic and imported; developing new ways for federal inspectors to detect foodborne illnesses in meat and poultry and determine the source of contamination; improving educational outreach on proper food handling; and further expanding our early warning system and strengthening state surveillance activities for foodborne illnesses.

## **CIVIL RIGHTS**

### **Reforming and Strengthening the Equal Employment Opportunity Commission (EEOC)**

This initiative expands the EEOC's ADR program over three years to allow as many as 70 percent of all complainants to choose mediation, rather than the lengthy process of investigation and litigation. In the first year, the EEOC will provide ADR in a projected 16,000 cases -- 20 percent of all incoming cases and double the number currently sent to mediation. In addition, through a combination of increased use of mediation, improved information technology, and an expanded investigative staff, the EEOC will reduce the average time it takes to resolve a private sector complaint from over 9 months to 6 months, and reduce the backlog of cases from 64,000 to 28,000 by the year 2000. The proposal provides \$279 million for the EEOC for FY99 -- \$37 million or 15 percent more than the enacted 1998 budget.

## ***THE MILLENIUM PROJECT***

### ***TECHNOLOGY***

#### **A Family-Friendly Internet**

**President Clinton and Vice President Gore support a strategy to protect children and create a safe, educational environment on the Internet that is consistent with our First Amendment values. This strategy includes cracking down on obscenity, child pornography, and online stalking, and encouraging the private sector to develop filtering and blocking technology for parents and teachers that is widely available and effective. This fall, the Administration will join the private sector and non-profit groups to support "Internet Teach-Ins" at schools and libraries, which are designed to increase awareness of safe on-line behavior for children and access to good content**

### **Making the Internet a Global Free-Trade Zone**

**The Administration is committed to creating an environment in which global electronic commerce can flourish, so that every computer will be a window open to every business, large and small. Over the next several years, Internet commerce could increase to hundreds of billions of dollars per year, boosting U.S. exports and creating new opportunities for small start-up companies. President Clinton has directed the U.S. Trade Representative to work with foreign governments to secure agreement that all products and services delivered across the Internet and all equipment from which the Internet is built -- be free from tariffs.**

### **Cloning**

**President Clinton has proposed legislation banning the cloning of human beings. The President's legislative proposal prohibits for five years the use of somatic cell nuclear technology to create a human being. The legislation directs the National Bioethics Advisory Commission to report to the President in four and half years on whether to continue the ban. The proposal is carefully worded to ensure that it will not interfere with beneficial biomedical and agricultural activities. In March 1997, the President imposed a ban on the use of federal money for cloning human beings.**

### **Save America's Treasures**

Many of our most important cultural treasures -- such as the Star Spangled Banner, the Declaration of Independence, and the Bill of Rights -- are seriously at risk. "Save America's Treasures" is a three year, \$150 million initiative that will help stimulate support for the Nation's most important preservation priorities. The funds will be administered by the Department of Interior under the authority of the National Historic Preservation Act. Half of the money will support preservation projects identified at the national level -- the other half will go to support state and local priorities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-JAN-1999 15:57:19.00

SUBJECT: First Lady's Box

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

TEXT:

see below

----- Forwarded by Elena Kagan/OPD/EOP on 01/06/99 03:50  
PM -----

Clara J. Shin  
01/06/99 02:28:31 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: First Lady's Box

Because of the time change for tomorrow's meeting, I need your names by 10:30 am tomorrow morning. Of course, the earlier the better. Also, there have been several questions about the "notable characteristics" information I requested. In addition to the basic information, I would also greatly appreciate (in fact, need) a couple of articles of a biographical nature as well as quotes you may have. Thanks for your assistance and sorry for the changes.

Thanks,  
Clara

Message Sent

To: \_\_\_\_\_  
Katharine Button/WHO/EOP  
Lowell A. Weiss/WHO/EOP  
Jeffrey M. Smith/OSTP/EOP  
Mickey Ibarra/WHO/EOP  
Lynn G. Cutler/WHO/EOP  
Ann F. Lewis/WHO/EOP  
Cheryl M. Carter/WHO/EOP  
Ellen M. Lovell/WHO/EOP  
Marjorie Tarmey/WHO/EOP  
Jeffrey A. Forbes/WHO/EOP  
Elena Kagan/OPD/EOP  
Shirley S. Sagawa/WHO/EOP  
Richard Socarides/WHO/EOP  
Marsha Scott/WHO/EOP  
Andrew J. Mayock/WHO/EOP  
Laura S. Marcus/WHO/EOP  
Cathy R. Mays/OPD/EOP  
Laura Emmett/WHO/EOP  
Peter A. Weissman/OPD/EOP  
Nancy Marlow/CEQ/EOP  
Betty J. Fountain/OSTP/EOP

Jena V. Roscoe/WHO/EOP  
Maria E. Soto/WHO/EOP  
Maya Seiden/WHO/EOP  
Linda L. Moore/WHO/EOP  
Joshua S. Gottheimer/WHO/EOP  
Marsha E. Berry/WHO/EOP  
Julie E. Mason/WHO/EOP  
Ruby Shamir/WHO/EOP  
Jocelyn A. Bucaro/WHO/EOP  
Virginia L. Cearley/WHO/EOP



## Use of Funds for Embryo Research—Limitations

OSTP supports OMB's recommendation to delete this provision and add a footnote proposing to "work with Congress to assess the impact of recent advances in biomedical research, such as research on stem cells, that may hold promise for new methods for diagnosing, treating, and curing disease."

The following comments address statements in the supporting discussion that need some clarification:

- While it is correct that previous budgets (FY97 and FY98) struck the ban, there was no proposal to address the ban in separate, non-appropriations legislation, as suggested in the OMB comments. The Administration position in those budgets was that it "does not support addressing this issue in legislation."
- The statement that "the central issue is whether or not the ban on embryo research would cover stem cell research" does not fully capture the complexity of this debate. With respect to stem cells, there are really two questions—can the public sector isolate stem cells, and can they conduct subsequent research on those cells. The use of federal funds to isolate stem cells, if the cells are removed from embryos, is clearly prohibited by the ban because the isolation process results in the destruction of the embryo. However, federally funded stem cell research may in fact be permissible, as the OMB discussion demonstrates provided that federal funds were not used to isolate the cells. If it is determined that research on stem cells subsequent to isolation is not prohibited, the best motivation to lift the ban is lost, and we may create a situation where the private sector will control the isolation and subsequent supply of stem cells for public sector research.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-JAN-1999 11:17:11.00

SUBJECT: Re: Welfare to Work event

TO: Shirley S. Sagawa ( CN=Shirley S. Sagawa/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

It's still on the 25th. It's to announce all welfare-related items (reauthorization of Welfare-to-Work, housing vouchers, transportation money, etc.) in the budget.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-JAN-1999 07:46:59.00

SUBJECT: Draft Government-wide Abortion Language Tracker

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

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 01/06/99 07:47  
AM -----

Daniel N. Mendelson

01/05/99 06:19:25 PM

Record Type: Record

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

cc: Barry T. Clendenin/OMB/EOP

Subject: Draft Government-wide Abortion Language Tracker

Attached is a comprehensive table on abortion provisions in appropriations language that will require policy decisions in order to print the FY 2000 Budget Appendix. Traditionally, the Budget shows the prior year's (i.e., FY 1999 enacted) appropriations language, brackets language proposed for deletion, and italicizes any new or revised language. Note that there is an overlap with the abortion items in the L/HHS General Provisions tracker on health related issues on which you are currently being consulted.

Due to the FY 2000 Budget print schedule, we are requesting your views/comments on these provisions by cob, January 7th. Please let me know by then whether or not you agree with the recommendations in the attached file or if you think we need to meet on any of these provisions.

Please note: the file is a legal size document.

Message Sent

To:

Bruce N. Reed/OPD/EOP

Joshua Gotbaum/OMB/EOP

Sylvia M. Mathews/OMB/EOP

Robert L. Nabors/OMB/EOP

Charles E. Kieffer/OMB/EOP

Adrienne C. Erbach/OMB/EOP

Martha Foley/WHO/EOP

Christopher C. Jennings/OPD/EOP

Victoria A. Wachino/OMB/EOP

Ron Klain/OVP @ OVP

Elena Kagan/OPD/EOP

Jennifer L. Klein/OPD/EOP



## "Side-by-Side" Comparison for Abortion Provisions

Appropriations Bill/Provision	FY 98 Enacted	FY 99 President's Budget	FY 99 Enacted	Recommended FY 2000 Language
<b>DC</b> Ban on Use of Funds for Abortion	Sec. 132. No funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.	Repeat the FY 1998 Budget, i.e., the Administration proposes to delete this provision and add the footnote that the Administration will work with Congress on this issue.	Sec. 131. Same as FY 1998 enacted.	Repeat FY 1999 President's Budget, i.e., delete the provision and add the footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."
<b>C/M/S</b> Ban on Use of Justice Funds for Abortion	Sec. 103. Repeated FY 1997 Enacted language. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape. Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.	Repeat the FY 1998 Budget i.e., the Administration proposes to delete this provision and add a footnote that the Administration will work with Congress on this issue.	Sec. 103. Same as FY 1998 enacted.	Repeat FY 1999 President's Budget, i.e., delete the provision and add the footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."
<b>C/M/S</b> Ban on the Use of Justice Funds for Performing Abortion	Sec. 104. Repeated FY 1997 Enacted language. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of any abortion.	Repeat FY 1998 Enacted Language.	Sec. 104. Same as FY 1998 enacted.	Repeat FY 1999 Enacted Language.
<b>C/M/S</b> Bureau of Prisons duty to provide escort services for female inmates seeking a privately funded abortion.	Sec. 105. Repeated FY 1997 Enacted language. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility. Provided, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individuals employees of the Bureau of Prisons.	Repeat FY 1998 Enacted Language.	Sec. 105. Same as FY 1998 enacted.	Repeat FY 1999 Enacted Language.
<b>L/HHS/ED</b> Hyde Amendment	Sec. 509. (a) None of the funds appropriated under this Act shall be expended for any abortion. (b) None of the funds appropriated under this Act shall be expended for health benefits coverage that includes coverage of abortion. (c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.	Repeat FY 1998 Budget, i.e., propose deletion and add footnote: "The Administration proposes to delete this footnote and will work with Congress to address this issue."	Sec. 508. Same as FY 1998 enacted except it added: "... and none of the funds in any trust fund to which funds are appropriated under this Act. . . ."	Repeat FY 1999 President's Budget, i.e., delete the provision and add the footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."

<p><b>Appropriations Bill/Provision</b></p>	<p><b>FY 98 Enacted</b></p>	<p><b>FY 99 President's Budget</b></p>	<p><b>FY 99 Enacted</b></p>	<p><b>Recommended FY 2000 Language</b></p>
<p><b>L/HHS/Ed Hyde Amendment</b></p>	<p>Sec. 510. (a) The limitations established in the preceding section shall not apply to an abortion-(1) if the pregnancy is the result of an act of rape or incest; or (2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. (b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds). (c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).</p>	<p>Delete provision and add footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."</p>	<p>Sec. 509. Same as FY 1998 enacted.</p>	<p>Repeat FY 1999 President's Budget, i.e., delete the provision and add the footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."</p>
<p><b>L/HHS/Ed Medicare+Choice</b></p>			<p>Sec. 216. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.</p>	<p>Repeat FY 1999 President's Budget, i.e., delete the provision and add the footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."</p>
<p><b>Foreign Ops</b></p>	<p>Sec. 518. Same as FY 1997 Enacted language. None of the funds made available to carry out part 1 of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part 1 of the Foreign Assistance Act of 1961, as amended, may be used to pay for the</p>	<p>Repeat FY 1998 Enacted language.</p>	<p>Sec. 518. Same as FY 1998 enacted.</p>	<p>Repeat FY 1999 enacted.</p>

Appropriations Bill/Provision	FY 98 Enacted	FY 99 President's Budget	FY 99 Enacted	Recommended FY 2000 Language
	<p>performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: Provided, That none of the funds made available under this Act may be used to lobby for or against abortion.</p>			
Foreign Ops	<p>Sec. 592. (a) Not to exceed \$385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance. (b) Such funds may be apportioned only on a monthly basis, and such monthly apportionments may not exceed 8.34 percent of the total available for such activities.</p>	<p>The Administration proposed to delete this provision.</p>	<p>Deleted.</p>	
Foreign Ops	<p>Sec. 543. (a) Assistance Through Nongovernmental Organizations. --Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any</p>	<p>Same as FY 1998 enacted.</p>	<p>Same as FY 1998 enacted</p>	<p>Repeat FY 1999 enacted.</p>

Appropriations Bill/Provision	FY 98 Enacted	FY 99 President's Budget	FY 99 Enacted	Recommended FY 2000 Language
Foreign Ops	<p>other Act. (b) Public Law 480 . . .</p> <p>"For necessary expenses to carry out ... Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services: Provided further, That in awarding grants for natural family planning under section 04 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriations funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961; Provided further . . ."</p>	<p>Repeat FY 1998 enacted language.</p>	<p><i>FY 1999 Enacted Language expanded family planning provision and the new language is bolded below.</i></p> <p>For necessary expenses to carry out . . . Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes), (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to (A) an individual in exchange for becoming a family planning acceptor, or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning services,</p>	<p>Repeat FY 1999 abortion and family planning provisions.</p>
			<p>(3) the project shall not deny any right or benefit,</p>	

Appropriations Bill/Provision	FY 98 Enacted	FY 99 President's Budget	FY 99 Enacted	Recommended FY 2000 Language
			<p>including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services, (4) the project shall provide family planning acceptors' comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method, (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of</p>	
<p>Foreign Ops Continued</p>			<p>Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related</p>	

Appropriations Bill/Provision	FY 98 Enacted	FY 99 President's Budget	FY 99 Enacted	Recommended FY 2000 Language
Foreign Ops Peace Corps	For expenses necessary to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$222,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States; Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 1999	Delete the sentence, "Provided, That none of the funds appropriated under this heading shall be used to pay for abortions" and add footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."	Same as FY 1998 enacted.	Repeat FY 1999 President's Budget, i.e., delete the provision and add the footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."
Treasury/ General Government FEHB Prohibition	Sec. 513. Same as FY 1997 Enacted language. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortion.	The Administration proposed deleting this provision.	Sec. 509. Same as FY 1998 enacted.	Repeat FY 1999 President's Budget, i.e., delete the provision and add the footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."
Treasury/ General Government FEHB Prohibition	Sec. 514. Same as FY 1997 Enacted language. The provision of section 518 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.	The Administration proposed deleting this provision.	Sec. 510. Same as FY 1998 enacted.	Repeat FY 1999 President's Budget, i.e., delete the provision and add the footnote: "The Administration proposes to delete this provision and will work with Congress to address this issue."
Treasury/General Government			Sec. 656. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage. (b) Nothing in this section shall apply to a contract with: (1) any of the following religious plans: (a) SelectCare (b) Personal Care/IMO	Repeat FY 1999 enacted language.

Appropriations Bill/Provision	FY 98 Enacted	FY 99 President's Budget	FY 99 Enacted	Recommended FY 2000 Language
			<p>(c) Care Choices            (d) OSF Health Plans, Inc.            (e) Yellowstone Community Health Plan            (2) any existing or future plan, if the plan objects to such coverage on the basis of religious beliefs.            (c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.            (d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services</p>	

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-JAN-1999 15:57:26.00

SUBJECT: Re: randam idea

TO: Fred DuVal ( CN=Fred DuVal/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

DOJ says we can't do this. According to DOJ, an agreement of this kind would violate the Anti-Deficiency Act by depriving Congress of an opportunity to appropriate these funds. Great idea. We've tried.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JAN-1999 15:09:05.00

SUBJECT: Re: mike

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

READ:UNKNOWN

TEXT:

Excuuuuse me????

What do you think is behind this?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JAN-1999 15:10:01.00

SUBJECT: Re: Papal Visit

TO: Maureen T. Shea ( CN=Maureen T. Shea/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

TEXT:  
Nicole Rabner. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-JAN-1999 15:34:40.00

SUBJECT: Re: Education Meeting

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

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

TEXT:

could you send this to podesta and tremontano as well? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1999 13:48:59.00

SUBJECT: Re: mike

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

READ:UNKNOWN

TEXT:

we don't have any reason to believe reno is even thinking of resigning, do we?



**\$55 million to Expand Public School Choice.**

In addition to continuing our efforts to expand charter schools, the President's budget provides several additional approaches to expanding public school choice to provide alternatives to conventional public schools and help promote school integration, especially for students in urban school systems:

**Continuing to Expand Charter Schools.** The President's budget contains a \$30 million increase in charter schools funding, to \$130 million. This will enable the federal government to support the development, start up and initial operation of an estimated 2,200 schools, and keep us on track to 3,000 charter schools by 2002.

**Work-Site Schools.** The President's FY 2000 budget proposes a new \$10 million demonstration program to about 100 school districts to support partnerships to create public schools located at work sites. About 30 of these schools have been constructed since 1987, and most operate as public-private partnerships. Typically, the employer pays for the school facility, utilities, and maintenance, while the school district provides the teachers, curriculum and instructional materials. The work-site schools are paired with "host" neighborhood schools that provide administrative support and share other resources such as art and music teachers. Because the school is located at the parent's work site, these schools typically have extremely high rates of parent involvement -- which is a key factor in increasing student achievement. These schools also enable school districts to relieve overcrowding at low cost and can often promote diversity (as workplaces are often more diverse than neighborhoods).

**Interdistrict Magnet Schools.** The President's FY 2000 budget proposal also includes a \$10 million increase in an existing grant program that allows two or more school districts to develop high-quality special programs at schools that are open to all students from participating districts to reduce racial isolation. This expansion would be targeted toward urban districts with high concentrations of minority and poor students that partner with suburban districts. This increase would fund 5-10 grants to states for planning and implementation activities, including curriculum development, teacher training, student recruitment, and instructional personnel, equipment, extended day instructional activities and public information efforts to promote and explain these programs to affected communities.

**High Schools Located on Community College Campuses.** The President's FY 2000 budget includes a \$5 million expansion of a demonstration program to co-locate high schools and community colleges, while providing high school students with opportunities to enroll in college courses for credit. In addition to broadening the course offerings for high school students, locating schools on college campuses would complement the goals of the GEAR UP program, by sparking college aspirations of low income students and facilitating mentoring and tutoring programs.

### *Work-Site Satellite School Examples:*

About 30 work-site satellite schools have been constructed since 1987, built on corporate campuses and even in malls (3M, Mall of America). Most work-site satellite schools are K-2 or 3, but some have expanded to K-5. Teachers and principals report extraordinary levels of parent involvement which they believe contribute to high academic achievement. Approximately 10 additional work-site schools are currently in development across the nation. States with Work-Site Schools: Florida, Minnesota, California, Texas, Iowa. (largest numbers in Florida and Minnesota). Delaware recently passed a law to allow work-site schools.

American Bankers Insurance Group (Miami, FL). The nation's first work-site public school – it has been in existence since 1987. ABIG has spent \$2.5 million on a facility that houses 200 kindergarten to fifth grade students. The school is run by the Miami-Dade school district, which provides teachers and pays their salaries. ABIG is responsible for maintenance and upkeep of the facility. The school offers both before- and after-school programs. ABIG estimates that it saves \$475,000/year – more than three times the \$140,000 it costs to run the school – because it has reduced employee turnover and absenteeism. Job turnover among parents of children attending the school is 6 percent, compared with 13.3 percent at the company overall. The ABIG Satellite School received a Florida Schools of Excellence award, given to schools that meet the state standards and raise the achievement levels of its students for 2 years and across all racial categories.

3M- (Minneapolis, MN.) The Eastside Workplace Kindergarten is located in a strip mall near the corporate headquarters and serves children in grades K-1. The company reports that it has outstanding parent participation and as well as high volunteer participation from other company employees. The vast majority of the students are children of employees, the remaining children are from the surrounding neighborhood.

Hewlett-Packard (Santa Rosa, CA). HP opened a work-site school at its corporate headquarters in 1993. The Company invested \$400,000 to build the public school satellite location. The 2.4 acre school site is leased to the school district for \$1 for 10 years. About 80 of the 120 students (grades K-3) are children of employees. The school is a satellite location of the Hidden Valley Elementary School. The absenteeism rate at this school (3.3 ) is the lowest in the district (avg. 6.9 ) and test scores are high. Turnover is 50 lower for workers with children enrolled than those in the general population.

Nations Bank - (Jacksonville, FL.) NationsBank reports almost 100 parent participation in the school. The school was initially launched by Barnett Bank which merged into NationsBank. About 30 children left the school after their parents changed jobs -- they were allowed to finish the school year at the school if they chose to do so. 25 of the student body is African-American as are a third of its teachers. Duval County's office of academic programs considers the work-site schools to be "an overwhelming, unqualified success."

Downtown School (Des Moines, IA.) A group called the Business/Education Alliance opened the Downtown school in August 1993. It serves 144 pupils in K-5. Located in an office building, the public school serves employees' children of 19 sponsoring businesses joined by a network of skywalks. The companies pay the cost of housing the schools, which has small class sizes and a longer school year.

*Other companies with work-site schools:* Mall of America, Miami International Airport, Radisson Hotel, Honeywell, Florida Power & Light, and Target Stores.

*Inter-District Magnet School Example:*

**New Haven, CT.**

The city of New Haven has five interdistrict magnet schools: each has between 20 percent and 30 percent suburban students. Among the interdistrict schools are Jepson, the only nongraded school in the state; the Cooperative Arts and Humanities High School; the long-running High School in the Community; the Career High School, which emphasizes work experience; and the Hyde Leadership School, scheduled to open this fall with a focus on character development. The federal government has provided \$2 million in grant money annually for New Haven's magnet schools.

**Other communities w/ interdistrict magnets:** Minneapolis, MN; St. Louis MO.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1999 18:41:23.00

SUBJECT: Re: Civil Rights Initiative

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

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

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

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

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

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

TEXT:  
yes, that's fine.

Jose Cerda III  
01/08/99 06:37:39 PM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc: Julie A. Fernandes/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP  
Subject: Civil Rights Initiative

BR/EK:

Spoke to Deich a short while ago. He wanted our helping in solving the Edley problem on new funds for states to focus more on civil rights prosecutions.

Deich, providing we're fine w/it, wants to add a new \$5 million civil rights initiative that would give small grants to the states to better coordinate civil rights enforcement. He has found new money, or an accounting gimmick at least, so crime or civil rights funds already in the budget won't be affected. The program will be overseen by OJP, and it won't be linked to our prosecutors program. That said, he's hoping we won't oppose him simply sneaking this new \$5 million initiative to the budget.

I told him that I would check w/you both, but -- with his assurance that our budget items aren't impacted -- he should go ahead and assume we'll be okay with the addition...so long as he called Edley for the flagrant process foul.

Hope you folks are okay with this; if not, let me or Michael know.

Jose'

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 8-JAN-1999 16:58:31.00

SUBJECT: RECEIVED: Welfare info for State of the Union

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Welfare info for State of the Union

was successfully received by:

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

at:

01/07/99 03:47:37 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-JAN-1999 14:04:55.00

SUBJECT: Re: MLK Day of Service

TO: Karen Tramontano ( CN=Karen Tramontano/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

very diplomatic.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 19:44:49.00

SUBJECT: Re: fyi

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

READ:UNKNOWN

TEXT:

many thanks

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:11-JAN-1999 15:57:55.00

SUBJECT: RECEIVED: Edits to OMB's tobacco write-up

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Edits to OMB's tobacco write-up

was successfully received by:

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

at:

01/11/99 03:46:19 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 19:48:01.00

SUBJECT: Re: Over the top

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

TEXT:

which one?? I think we disagree less than you think we do -- both on substance and on process. Let's talk tomorrow.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:11-JAN-1999 19:41:19.00

SUBJECT: RECEIVED: REVISED Edits to OMB's tobacco write-up

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

REVISED Edits to OMB's tobacco write-up

was successfully received by:

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

at:

01/11/99 07:38:13 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 19:49:27.00

SUBJECT: Re: Clinic Safety

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

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

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

TEXT:  
fantastic. how about the nyt for Saturday, Jan 16?

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:11-JAN-1999 15:56:17.00

SUBJECT: RECEIVED: NARAL

TO: Shannon M. Hinderliter ( CN=Shannon M. Hinderliter/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:

NARAL

was successfully received by:

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

at:

01/11/99 03:45:06 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 09:13:08.00

SUBJECT: VP announcements/leaks

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/11/99 09:14  
AM -----

Sarah A. Bianchi @ OVP

01/10/99 08:53:16 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: VP announcements/leaks

The following are events that the VP and Mrs. Gore are currently scheduled to participate plus a couple that I am hoping to get on VP's schedule. Would like to coordinate these events with leaks in whatever way works best. Let me know.

Mental health. (Jan 14th) Mrs. Gore is scheduled to announce the new mental health increases in the budget in her speech at Dartmouth along with the WH conference on mental health (that the President signed off on last week). As this is the same day of the President's disability event, she will also highlight some of the proposals he is unveiling that help people with mental illnesses.

Small housing/long term care. (Jan 21st) The VP is hosting his first long-term care forum in Florida. At this event, there is a HUD initiative that we are scheduled to unveil to help Americans get into assisted living facilities (essentially it gives money to low-income housing facilities to convert to assisted living).

Immigration. (Jan 25th) Per our discussion today, VP would like to make announcement in LA on the 25th in conjunction with a broader WH leak.

Equal Pay. (still need date). We are interested in unveiling the budget initiative and the new legislation if it does not make the President's schedule. although don't yet have final commitment from Ron and Pat. Do you have any thoughts on timing on this? Any time before the budget. Would this need to be done with Daschle's folks? Please advise.

Events w/ First Lady

Family planning. (Jan 22th) As they did last year, the VP and HRC are scheduled to meet with the women's groups/family planning community to discuss the increase in the budget. HRC would like this to be before her NARAL speech on the 22nd so she can highlight the increase there, but both offices are interested in getting unveiling with women's groups more broadly. Both have confirmed to do and schedulers are working on agreeable date that will likely be on the 22nd itself.

Asthma. (still need date) Both the First Lady and the VP want to do this event and we are trying to find date before budget that works for both. If we can't then one or other will definitely do. Will let you know as this gets resolved.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 19:47:00.00

SUBJECT: Re: Fwd: [Profs.]: Notice of Possible Visiting Appointment: Miller

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

TEXT:

you'd be surprised by the relevance of icelandic blood feuds to everyday life.

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Bruce Reed. Subject: Possible visit. (2 pages)	01/11/1999	Personal Misfile

---

**COLLECTION:**

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

---

**FOLDER TITLE:**

[1/6/1999 - 1/14/1999]

2009-1006-F  
kh572

---

**RESTRICTION CODES**

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 19:45:29.00

SUBJECT: NC9052: 'Jose' moves into top spot for baby names in California

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/11/99 07:46 PM -----

Maria Echaveste  
01/11/99 04:17:40 PM  
Record Type: Record

To: edley @ law.harvard.edu @ inet, Minyon Moore/WHO/EOP, Elena Kagan/OPD/EOP  
cc:  
Subject: NC9052: 'Jose' moves into top spot for baby names in California

FYI--the following news story made me laugh--I just don't know what it means for our country.

----- Forwarded by Maria Echaveste/WHO/EOP on 01/11/99 04:18 PM -----

Richard Socarides 01/11/99 11:30:55 AM

Record Type: Record

To: Maria Echaveste/WHO/EOP  
cc:  
Subject: NC9052: 'Jose' moves into top spot for baby names in California

----- Forwarded by Richard Socarides/WHO/EOP on 01/11/99 11:32 AM -----

rwockner @ netcom.com  
01/09/99 02:00:00 AM

Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides  
cc:  
Subject: NC9052: 'Jose' moves into top spot for baby names in California

\*\*\*\*\*  
This item is copyrighted. Do not print it without permission from the originating media operation. Do not post this item in a public online forum. Items on this mailing list that are not copyrighted will not contain this message. This free mailing list is open only to my friends. It has 210 recipients.  
\*\*\*\*\*

LOS ANGELES, Jan 8 (AFP) - The Spanish name Jose became the most popular name in 1998 in California and Texas, two of the biggest states in the country, the Los Angeles Times reported Friday.

The name reflects the burgeoning Hispanic populations in those states, who are now more likely to cling to their heritage than adopt Anglicized names as waves of previous immigrants did.

The shift is all the more notable in a country that predictably rotated John, Robert, James, Michael and David at the top of the list of boys' most popular names for nearly a century.

"Thirty years ago, most people would not have given their child an ethnic name," said Edward Callary, an English professor at Northern Illinois University and editor of the American Name Society's journal.

"A lot of folks tried to blend in and fold into American society as quickly as they could," Callary told the Times.

The popularity of the name Jose is more than just a reflection of a growing Hispanic population, he said. It also shows that this population is more comfortable with showing its ethnicity.

Michael Shackelford, the Social Security Administration actuary who compiled the list, said when he saw that Jose topped the list of names "it was a little bit of shock," though it made sense.

Following Jose in terms of popularity in California were the more traditional names of Daniel, Michael, Anthony and Jacob.

The most popular girls' names were Jessica, Ashley, Emily, Jennifer and Samantha.

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

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)  
id <01J6BJ4H6UTS001ET6@PMDF.EOP.GOV>; Sat, 9 Jan 1999 02:02:22 EST

Received: from storm.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)  
with ESMTTP id <01J6BJ4FQ2Q0001MPK@PMDF.EOP.GOV>; Sat,  
09 Jan 1999 02:02:20 -0500 (EST)

Received: from netcom18.netcom.com ([192.100.81.131])  
by EOP.GOV (PMDF V5.2-29 #34437) with ESMTTP id <01J6BJ3RJ862001ITC@EOP.GOV>;  
Sat, 09 Jan 1999 02:01:48 -0500 (EST)

Received: (from rwockner@localhost)  
by netcom18.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id XAA23736; Fri,  
08 Jan 1999 23:00:57 -0800 (PST)

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 19:48:41.00

SUBJECT: Over the top

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/11/99 07:49  
PM -----

"Christopher Edley, Jr." <edley @ law.harvard.edu>

01/11/99 07:29:10 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Maria Echaveste/WHO/EOP

Subject: Over the top

Wow. That was perhaps a bit over the top. Take 15 percent off of that,  
please!

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Bruce Reed re: returning your call (2 pages)	01/11/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[1/6/1999 - 1/14/1999]

2009-1006-F  
kh572

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 09:15:52.00

SUBJECT: Re: List of One Pagers

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

READ:UNKNOWN

TEXT:

I think I'd rather do "family" than "women's issues," although perhaps we should do both. And we've been thinking that we should have a separate paragraph or so on each of the major announcements within these broad areas (even if that adds up to more than a one-pager). Agree?

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Elena Kagan to Maria Echaveste re: names (1 page)	01/11/1999	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[1/6/1999 - 1/14/1999]

2009-1006-F  
kh572

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:12-JAN-1999 09:48:03.00

SUBJECT: RECEIVED: Tobacco budget language revised by DPC

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Tobacco budget language revised by DPC

was successfully received by:

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

at:

01/12/99 09:48:00 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1999 19:59:45.00

SUBJECT: Re: treasury

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

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

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

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

TEXT:  
bruce and i think we should hold this so we can get out budget-related  
leaks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1999 12:31:54.00

SUBJECT: partial birth abortion form letters

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

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

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

TEXT:

I don't think there is anything new, but could one of you take care of this? Thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 01/12/99 12:32 PM -----

From: Matthew W. Pitcher on 01/12/99 12:16:23 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: partial birth abortion form letters

I need to update our form letters regarding the administration's partial birth abortion policy. Do you have any current policy facts, language, phrases, etc. I can use? I don't think we've done anything specific on this in a while, and I'm having a tough time finding any updated info. on it. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1999 19:54:48.00

SUBJECT: Re: Family message meeting

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

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

TEXT:  
sure

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1999 09:46:48.00

SUBJECT: Re: Edley Memo

TO: Melissa G. Green ( CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

OK. We can either put two cover memos on top or combine them.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1999 12:28:59.00

SUBJECT: Re: Tomorrow's event

TO: David R. Goodfriend ( CN=David R. Goodfriend/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Yes. It's a disabilities package.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1999 12:31:04.00

SUBJECT: Re: Welfare to Work Event -- 1/25

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

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

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

TEXT:

People really want Eli to be there. I think we can make the message fit.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1999 14:23:47.00

SUBJECT: Re: Josh is still disputing two changes to budget language

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

CC: J. Eric Gould ( CN=J. Eric Gould/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

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

TEXT:

"and the Congress" is fine. I would say something like "shared" or "mutual" priorities, and I wouldn't say "including."

Cynthia A. Rice  
01/12/99 01:23:27 PM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP  
cc: J. Eric Gould/OPD/EOP, Thomas L. Freedman/OPD/EOP  
Subject: Josh is still disputing two changes to budget language

He still wants to remove "remains committed to protecting tobacco farmers and their communities" and to keep in "to fulfill national commitments" in the Medicaid chapter. he feels strongest about the second, says he worked the language out with Jack but is willing to consider alternative suggestions. I told him no way, we want our edits. He is going to call me again when he returns to the building (he was calling from a loud restaurant which made conversation difficult).

On farmers, he thinks we're making a mistake giving people a sound bite that they quote and follow by saying we did nothing in the budget for them.

On Medicaid recoupment, I think he's totally wrong, but what about proposing back "work with the states and the Congress to enact tobacco legislation that, among other things, resolves these federal claims in exchange for a commitment by the states to use tobacco money to fulfill national commitments to support national and state priorities including for efforts to reduce youth smoking, public health and children's programs, and affected rural communities"

Protect farmers and farming communities. The Administration remains committed to protecting tobacco farmers and their communities, and is monitoring closely on-going efforts by state, farmer, and industry representatives to provide funding and purchase commitments to tobacco farmers. The Administration will look forward to working with all parties, as needed, to ensure the financial well-being of tobacco farmers, their families, and their communities. Farmers never marketed cigarettes to children; they should be protected.

Since US taxpayers paid a substantial portion of the Medicaid costs that were the basis for much of the state settlement with the tobacco companies, Federal law requires that the Federal government recoup its share. However, the Administration will again support legislation to waive direct Federal recoupment, if states agree to use a portion of funds from the settlement for programs currently financed by Federal taxpayers. The Administration is open to working with the states and the Congress to enact tobacco legislation that, among other things, resolves these federal claims in exchange for a commitment by the states to use tobacco money to fulfill national commitments for efforts to reduce youth smoking, public health and children's programs, and affected rural communities.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:12-JAN-1999 12:38:48.00

SUBJECT: RECEIVED: partial birth abortion form letters

TO: Matthew W. Pitcher ( CN=Matthew W. Pitcher/OU=WHO/O=EOP [ WHO ] )

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

partial birth abortion form letters

was successfully received by:

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

at:

01/12/99 12:32:10 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-JAN-1999 14:23:44.00

SUBJECT: Re: Paid Leave

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

READ:UNKNOWN

TEXT:

thanks anyway.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1999 14:42:54.00

SUBJECT: TV Meeting

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

TEXT:  
----- Forwarded by Elena Kagan/OPD/EOP on 01/12/99 01:36  
AM -----

Heather M. Riley

01/13/99 02:39:48 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Elizabeth R. Newman/WHO/EOP, Jennifer M. Palmieri/WHO/EOP  
Subject: TV Meeting

We would like to hold our weekly TV Meeting at 5:00 in Joe's  
Office tomorrow. Does this work??

Message Sent

- To: \_\_\_\_\_
- Mark D. Neschis/WHO/EOP
  - Beverly J. Barnes/WHO/EOP
  - Amy Weiss/WHO/EOP
  - Barry J. Toiv/WHO/EOP
  - Tracy Pakulniewicz/WHO/EOP
  - Ruby Shamir/WHO/EOP
  - Stacie Spector/WHO/EOP
  - Dominique L. Cano/WHO/EOP
  - Elena Kagan/OPD/EOP
  - Jake Siewert/OPD/EOP
  - Julie B. Goldberg/WHO/EOP
  - Sarah E. Gegenheimer/WHO/EOP
  - Roger V. Salazar/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1999 12:40:24.00

SUBJECT: Re: Child Care

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

READ:UNKNOWN

TEXT:

sure. but what else is in the works?

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Phone No. (Partial) (1 page)	01/13/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[1/6/1999 - 1/14/1999]

2009-1006-F  
kh572

### 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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- 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)]

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1999 20:35:08.00

SUBJECT: tobacco calls

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/12/99 07:28  
AM -----

Charles M. Brain

01/13/99 06:47:50 PM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: tobacco calls

After doing some checking, there are three other calls I suggest that  
Bruce make:

- Mel Watt--who's in his district-- [REDACTED] P6(b)(6)
- Bobby Scott--district number-- [REDACTED] P6(b)(6)
- Eva Clayton--district number-- [REDACTED] P6(b)(6)

[oc 4]

We have home phone numbers if necessary.

In addition, Etheridge will be out but his cell phone is: [REDACTED] P6(b)(6).

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Phone No. (Partial) (1 page)	01/13/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[1/6/1999 - 1/14/1999]

2009-1006-F  
kh572

### RESTRICTION CODES

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

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1999 12:35:36.00

SUBJECT: Re: COPS leak

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/13/99 12:36  
PM -----

Amy Weiss  
01/13/99 10:10:40 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Jose Cerda III/OPD/EOP, Sarah E. Gegenheimer/WHO/EOP, Beverly J. Barnes/WHO/EOP, Jennifer M. Palmieri/WHO/EOP  
bcc:  
Subject: Re: COPS leak

he should call Terry Hunt [REDACTED] and let him do it or farm it out.  
USAToday and AP sound like a good plan.

[005]

Elena Kagan  
01/13/99 09:50:00 AM  
Record Type: Record

To: Amy Weiss/WHO/EOP  
cc: Jose Cerda III/OPD/EOP, Sarah E. Gegenheimer/WHO/EOP, Beverly J. Barnes/WHO/EOP, Jennifer M. Palmieri/WHO/EOP  
Subject: Re: COPS leak

Bruce thinks we should do USA Today and AP and skip the rest. I assume he should call Susan Page at USA Today. Whom should he call at AP?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1999 09:51:30.00

SUBJECT: Re: COPS leak

TO: Amy Weiss ( CN=Amy Weiss/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: Sarah E. Gegenheimer ( CN=Sarah E. Gegenheimer/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Bruce thinks we should do USA Today and AP and skip the rest. I assume he should call Susan Page at USA Today. Whom should he call at AP?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1999 14:42:41.00

SUBJECT: Re: Crime Event

TO: Sean P. Maloney ( CN=Sean P. Maloney/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

TEXT:

I think pretty good. The press paper is just about done, which means that the briefing shouldn't be too far behind. Unless, of course, we're still trying to figure out who's on the program. Jose?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1999 14:42:31.00

SUBJECT: Re: Apologies

TO: dbf ( dbf @ wiggin.com @ INET @ LNGTWY [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

I guess I should take this opportunity to claim that I sent you dozens and dozens.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-JAN-1999 20:33:01.00

SUBJECT: TV Meeting

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/12/99 07:26 AM -----

Heather M. Riley

01/13/99 03:13:25 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Elizabeth R. Newman/WHO/EOP, Jennifer M. Palmieri/WHO/EOP  
Subject: TV Meeting

This time seems to be clashing with peoples schedules--how does 4:30 work??

----- Forwarded by Heather M. Riley/WHO/EOP on 01/13/99 03:13 PM -----

Heather M. Riley

01/13/99 02:39:48 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Elizabeth R. Newman/WHO/EOP, Jennifer M. Palmieri/WHO/EOP  
Subject: TV Meeting

We would like to hold our weekly TV Meeting at 5:00 in Joe's Office tomorrow. Does this work??

Message Sent

- To: \_\_\_\_\_
- Mark D. Neschis/WHO/EOP
  - Beverly J. Barnes/WHO/EOP
  - Amy Weiss/WHO/EOP
  - Barry J. Toiv/WHO/EOP
  - Tracy Pakulniewicz/WHO/EOP
  - Ruby Shamir/WHO/EOP
  - Stacie Spector/WHO/EOP
  - Dominique L. Cano/WHO/EOP
  - Elena Kagan/OPD/EOP
  - Jake Siewert/OPD/EOP
  - Julie B. Goldberg/WHO/EOP
  - Sarah E. Gegenheimer/WHO/EOP
  - Roger V. Salazar/WHO/EOP

## Message Sent

To: \_\_\_\_\_

Mark D. Neschis/WHO/EOP

Beverly J. Barnes/WHO/EOP

Amy Weiss/WHO/EOP

Barry J. Toiv/WHO/EOP

Tracy Pakulniewicz/WHO/EOP

Ruby Shamir/WHO/EOP

Stacie Spector/WHO/EOP

Dominique L. Cano/WHO/EOP

Elena Kagan/OPD/EOP

Jake Siewert/OPD/EOP

Julie B. Goldberg/WHO/EOP

Sarah E. Gegenheimer/WHO/EOP

Roger V. Salazar/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JAN-1999 15:29:23.00

SUBJECT: LABOR Draft Bill on Child Labor Reform Act of 1999

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

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 01/14/99 03:30  
PM -----

From: Melissa N. Benton on 01/14/99 02:34:43 PM

Record Type: Record

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

cc:

Subject: LABOR Draft Bill on Child Labor Reform Act of 1999

The bill and section-by-section are attached following the LRM. Note: the Speaker letter (which Labor has not yet completed) will follow in a separate e-mail.

You will not receive a hard copy of this LRM. If you have problems downloading the attachments, please call me (5-7887) for a faxed or hand-delivered copy.

----- Forwarded by Melissa N. Benton/OMB/EOP on 01/14/99  
02:03 PM -----

Total Pages: \_\_\_\_\_

LRM ID: MNB2

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Thursday, January 14, 1999

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: LABOR Draft Bill on Child Labor Reform Act of 1999

DEADLINE: COB Tuesday, January 19, 1999

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

## AGENCIES:

7-AGRICULTURE - Marvin Shapiro (LRMs & EBs) - (202) 720-1516  
 61-JUSTICE - Dennis Burke - (202) 514-2141  
 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:

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

LRM ID: MNB2      SUBJECT:    LABOR    Draft Bill on Child Labor Reform Act of 1999

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: \_\_\_\_\_

Barbara Chow/OMB/EOP

Barry White/OMB/EOP

Larry R. Matlack/OMB/EOP

Debra J. Bond/OMB/EOP

Sarah S. Lee/OMB/EOP

Sarah Rosen/OPD/EOP

Karen Tramontano/WHO/EOP

Robert G. Damus/OMB/EOP

William H. White Jr./WHO/EOP

Stuart Shapiro/OMB/EOP

Daniel J. Chenok/OMB/EOP

Elena Kagan/OPD/EOP

Kate P. Donovan/OMB/EOP

Mark A. Weatherly/OMB/EOP

Janet R. Forsgren/OMB/EOP

James J. Jukes/OMB/EOP

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

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

TEXT:

Unable to convert ARMS\_EXT: [ATTACH.D75]MAIL40352751J.036 to ASCII,  
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**A BILL**

To amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor, and for other purposes.

**SECTION 1. SHORT TITLE; REFERENCE.**

(a) SHORT TITLE- This Act may be cited as the "Child Labor Reform Act of 1999".

(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, 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.";

(2) by striking and reserving paragraph (2); and

(3) by striking paragraph (4) and inserting the following:

"(4) The Secretary is authorized to determine, by regulation, that children aged sixteen and seventeen may be

employed in agriculture in occupations found to be particularly hazardous for the employment of children between the ages of sixteen and eighteen, if such children are employed as vocational agriculture student-learners, have successfully completed a Federal Extension Service training program, or have successfully completed a vocational agriculture training program."

**SEC. 3. PEDDLING BY CHILDREN.**

(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 peddling,".

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

"(y) `Peddling by children' means employees under 16 years of age selling goods or services to customers at their residences, places of business, or public places such as street corners or public transportation stations. `Peddling by children' 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 by inserting in the first sentence after "occupation other than" and in the last sentence after

"occupations other than" the following: "peddling by children,".

(c) PROHIBITION OF PEDDLING BY CHILDREN- 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 peddling by children,".

**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 to read as follows:

"Any person who violates the provisions of section 12 or section 13(c)(5), relating to child labor; or any regulation issued under section 12 or section 13(c)(5), shall be subject to a civil penalty of not less than \$500 and not more than \$15,000 for each employee who was the subject of such a violation, and such maximum penalty may be enhanced by a multiplier of five for a willful or repeat violation that results in or contributes to the fatality or permanent disability of a minor employee, or for a violation which is related to a condition which serves as the basis for a serious or willful violation of the Occupational Safety and Health Act."

(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 related to a condition which serves as the basis for a criminal violation of any other provision of this Act or of any other Federal or State law."

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

"(z) 'Repeated violations'. An employer's violation of the Act shall be deemed to be 'repeated':

"(1) Where the employer has previously violated the Act, provided the employer has previously received notice, through a responsible official of the Wage and Hour Division or otherwise authoritatively, that the employer allegedly was in violation of the provisions of the Act; or

"(2) Where a court or other tribunal has made a finding that an employer has previously violated the Act, unless an appeal therefrom which has been timely filed is pending before a court or other tribunal with jurisdiction to hear the appeal, or unless the finding has been set aside or reversed by such appellate tribunal.

"(aa) 'Willful violations'. (1) An employer's violation of the Act shall be deemed to be 'willful' where the employer knew that its conduct was prohibited by the Act or showed reckless

disregard for the requirements of the Act. All of the facts and circumstances surrounding the violation shall be taken into account in determining whether a violation was willful.

"(2) An employer's conduct shall be deemed knowing, among other situations, if the employer received advice from a responsible official of the Wage and Hour Division to the effect that the conduct in question is not lawful.

"(3) An employer's conduct shall be deemed to be in reckless disregard of the requirements of the Act, among other situations, if the employer should have inquired further into whether its conduct was in compliance with the Act, and failed to make adequate further inquiry."

**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

and authority 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 eliminate oppressive child labor.

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

01/12/99 DRAFT

**SECTION-BY-SECTION ANALYSIS OF THE  
CHILD LABOR REFORM ACT OF 1999**

**SECTION 1. SHORT TITLE; REFERENCE.**

Section 1 provides the short title and provides that, whenever the Act references a section or other provision, the reference is to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 *et seq.*)

**SECTION 2. AGRICULTURAL EMPLOYMENT.**

**Current Law:** Under the current statute and the Department's regulations, children of any age may work at any time in any occupation on farms owned or operated by their parents or legal guardians ("family farm" exemption). In addition, children aged 12 and older may work on a farm where their parent works ("parental co-employee") or with a parent's written consent ("parental consent") in any non-hazardous occupation outside of school hours; and children as young as 10 may work outside of school hours with parental consent in short season crop cultivation under very narrow waiver conditions established by the Secretary of Labor ("short season work" sometimes called "tiny tots" exemption). Hazardous occupations restrictions in agriculture apply to children under age 16, who may not work in

any agricultural occupation which the Secretary has, by regulation, declared particularly hazardous.

**Description of provision:** Section 2 repeals certain exemptions from child labor prohibitions for agricultural employment (parental co-employee; parental consent; short season work); applies the same age restrictions to agricultural employment as to other forms of employment; and preserves the "family farm" exemption exactly as it operates under current law. This section raises from 16 to 18 years old the minimum age for engaging in hazardous agricultural employment, but also authorizes the Secretary to exempt from the hazardous occupations restrictions children aged 16 and 17 who either are employed as vocational agriculture student-learners, have successfully completed a Federal Extension Service training program, or have successfully completed a vocational agriculture training program.

### **SECTION 3. PEDDLING BY CHILDREN.**

**Current Law:** There is no current statutory or regulatory prohibition on peddling by children. Activities of such peddlers are subject to the current statutory prohibition on employment of minors under age 14 in any non-agricultural employment (except if employed by parent or legal guardian), and to current regulations

setting limits on hours during which younger teenagers may work (14- and 15-year-olds).

**Description of Provision:** Section 3 amends the definition of the term "oppressive child labor" to include "peddling by children", and prohibits the employment of individuals under age 16 in "peddling". However, section 3 excludes from the definition of peddling by children volunteer selling of goods or services on behalf of not-for-profit organizations. Except for such volunteer activities, this section makes peddling by children under age 16 subject to the Fair Labor Standards Act.

#### **SECTION 4. CIVIL AND CRIMINAL PENALTIES FOR CHILD LABOR VIOLATIONS.**

**Current Law:** The maximum civil money penalty is \$10,000 per child, per violation. In criminal prosecution, a person convicted of a willful violation of child labor rules is subject to a fine of not more than \$10,000, or to imprisonment for not more than six months, or both. However, imprisonment is available only upon the person's second conviction for a willful child labor violation.

**Description of Provision:** Section 4 increases civil and criminal penalties for child labor violations. The maximum civil money

penalty would be \$15,000, and this maximum penalty could be increased by a factor of five for: (1) a willful or repeat violation that results in or contributes to a fatality or permanent disability of a minor employee, or (2) a violation that is concurrent with a serious or willful violation of the Occupational Safety and Health Act. Additional criminal penalties would be available in certain types of serious cases: \$15,000 maximum fine, or imprisonment for up to 5 years (without a previous conviction), or both, for a willful or repeat violation that results in or contributes to a fatality or permanent disability of a minor employee, or a violation which is concurrent with a criminal violation of any other FLSA provision or any other Federal or State law. In addition, Section 4 defines "repeated violations" and "willful violations"; these definitions would apply to civil and criminal money penalties, and to the statute of limitations, under the FLSA.

#### **SECTION 5. GOODS TAINTED BY OPPRESSIVE CHILD LABOR.**

**Current Law:** Current law prohibits shipment or delivery for shipment in interstate commerce of any goods produced in an establishment where illegal child labor occurred in the thirty days prior to the removal of the goods. Where such goods are removed, they are "hot" and their movement may be enjoined. Current law does not identify any means by which child labor

"hot" goods may be returned to commerce; the Department deals with this issue on a case-by-case basis.

**Description of Provision:** Section 5 authorizes the Secretary to determine the circumstances under which goods tainted by oppressive child labor may be allowed to be shipped or delivered for shipment in interstate commerce.

#### **SECTION 6. COORDINATION.**

**Current Law:** Under current law, the Secretary may, with the consent and cooperation of State agencies, "utilize the services of State and local agencies and their employees" for carrying out the Secretary's functions and duties. The Secretary may reimburse these agencies for services rendered. The Department interprets this provision to authorize the use of State officials in investigations and other similar activities, under memoranda of understanding.

**Description of Provision:** Section 6 directs the Secretary to establish closer working relationships with non-governmental organizations and with State and local government agencies having responsibility and authority for administering and enforcing labor and safety and health laws; requires State and local government agencies to submit information to the Department on

the Department's request (to the extent permissible under applicable law) regarding injuries and deaths of employees; and authorizes the Secretary to reimburse such agencies for such services.

**SECTION 7. REGULATIONS AND MEMORANDUM OF UNDERSTANDING.**

**Current Law:** There is currently no requirement for a memorandum of understanding between the Secretaries of Labor and Agriculture to coordinate the development and enforcement of standards to eliminate oppressive child labor. The FLSA currently authorizes the Secretary to promulgate regulations for various purposes in child labor.

**Description of Provision:** Section 7 authorizes the Secretary to issue "such regulations as are necessary to carry out this Act and the amendments made by this Act." The provision also directs the Secretaries of Labor and Agriculture to enter into a memorandum of understanding to coordinate the development and enforcement of standards to eliminate oppressive child labor.

**SECTION 8. AUTHORIZATION OF APPROPRIATIONS.**

Section 8 authorizes appropriations to carry out this Act and the amendments made by this Act.