



**NLWJC - KAGAN**

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**[2/19/1999 - 2/28/1999]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Pager No. (Partial) (1 page)	02/23/1999	P6/b(6)
002. email	Elena Kagan to Bruce Reed. Subject: urban league letter. (1 page)	02/23/1999	P6/b(6)
003. email	Elena Kagan to Bruce Reed. Subject: staff/education [partial] (1 page)	02/23/1999	P6/b(6)
004. email	Elena Kagan to Jose Cerda. Subject: urban league letter. (1 page)	02/23/1999	P6/b(6)
005. email	Elena Kagan to Patricia Ewing. Subject: Re: VP. (1 page)	02/25/1999	P6/b(6)
006. email	Elena Kagan to Bruce Reed re: Charter school conference (partial) (1 page)	02/28/1999	P6/b(6)
007. email	Pager No. (Partial) (1 page)	02/28/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[02/19/1999 - 02/28/1999]

2009-1006-F

wr60

### 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:19-FEB-1999 14:46:33.00

SUBJECT: orszag party

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

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 02/19/99 02:48 PM -----

Laura Emmett  
02/19/99 11:49:08 AM  
Record Type: Record

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

----- Forwarded by Laura Emmett/WHO/EOP on 02/19/99 11:49 AM -----

Chris C. Hsi

02/19/99 11:48:08 AM  
Record Type: Record

To: Laura Emmett/WHO/EOP  
cc:  
Subject: orszag party

Please Join the NEC in Wishing Jon Orszag Farewell and Good Luck

Date: February 26, 1999  
Place: Indian Treaty Room (OEOB 474)  
Time: 6:00 pm

Please RSVP by Replying to Chris\_C\_Hsi@opd.eop.gov

Please Distribute throughout DPC

Message Sent

To: \_\_\_\_\_  
Elena Kagan/OPD/EOP  
Bruce N. Reed/OPD/EOP  
Thomas L. Freedman/OPD/EOP

Christopher C. Jennings/OPD/EOP  
Jeanne Lambrew/OPD/EOP  
Cathy R. Mays/OPD/EOP  
Nicole R. Rabner/WHO/EOP  
Cynthia A. Rice/OPD/EOP  
Leanne A. Shimabukuro/OPD/EOP  
Paul J. Weinstein Jr./OPD/EOP  
Jose Cerda III/OPD/EOP  
Mary L. Smith/OPD/EOP  
Tanya E. Martin/OPD/EOP  
Essence P. Washington/OPD/EOP  
Andrea Kane/OPD/EOP  
Neera Tanden/WHO/EOP  
Jonathan H. Schnur/OPD/EOP  
Teresa M. Jones/OPD/EOP  
Devorah R. Adler/OPD/EOP  
J. Eric Gould/OPD/EOP  
Sarah A. Bianchi/OVP @ OVP  
Karin Kullman/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-FEB-1999 14:49:06.00

SUBJECT: National Treasury Employees Union

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

READ:UNKNOWN

TEXT:

thanks

----- Forwarded by Elena Kagan/OPD/EOP on 02/19/99 02:50 PM -----

Nicole R. Rabner

02/19/99 01:43:22 PM

Record Type: Record

To: Karen Tramontano/WHO/EOP

cc: Elena Kagan/OPD/EOP

Subject: National Treasury Employees Union

Karen,

Elena forwarded to me the Union's request for a greeting from the President on child care to be read at its Legislative Conference, which begins on Sunday. We took care of the request, and the National President will read the letter at the Conference opening.

Nicole

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-FEB-1999 14:50:44.00

SUBJECT: gun tracing

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

TEXT:

only johnson -- doj doesn't have much to do with this. I think mark can go ahead.

----- Forwarded by Elena Kagan/OPD/EOP on 02/19/99 02:52 PM -----

Jennifer M. Palmieri  
02/19/99 02:28:47 PM  
Record Type: Record

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

So -- Joe is okay with leaking the report Saturday for Sunday and is okay with giving it to the NYT. I presume Treasury would then release the report Sunday afternoon so we can put people on the news Sunday night.

Can Neschis go ahead and pitch Holder or Johnson for Sunday night networks? Or do we need to wait until Sunday? thanks, everyone.

Message Sent

To: \_\_\_\_\_  
Amy Weiss/WHO/EOP  
Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Jose Cerda III/OPD/EOP  
Mark D. Neschis/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-FEB-1999 14:45:50.00

SUBJECT: Draft council reponse to NAS report

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

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 02/20/99 02:47 PM -----

Thomas L. Freedman  
02/20/99 02:27:15 PM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Mary L. Smith/OPD/EOP  
cc: Laura Emmett/WHO/EOP  
Subject: Draft council reponse to NAS report

Attached are the draft executive summary and full response to the NAS report. On the crucial question of single food agency the executive summary reads: "The Council supports the goal of NAS recommendation IIIa . Here, the NAS calls for a new statute that establishes a unified framework for food safety programs with a single official with control over all federal food safety resources. The report acknowledges that there may be many organizational approaches to achieving the goal of a single voice for federal food safety activities. As recommended by the NAS, the Council will conduct an assessment of structural models that would strengthen the federal food safety system through better coordination, planning, and resource allocation."

You should meet with Neal Lane this week to agree on strategy for next steps. Also, I am sending you a draft plan for moving responsibilities around and where the relevant players would stand on it.

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D47]MAIL40873255Q.036 to ASCII,  
The following is a HEX DUMP:

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**Council on Food Safety**  
**Assessment of the NAS Report**  
**Ensuring Safe Food from Production to Consumption**

Americans have one of the world's safest food supplies. This is largely a result of sustained education and research efforts along the farm to table continuum as well as surveillance and regulatory programs. The federal food safety system is comprised of 12 agencies, is authorized by a diverse set of statutes, and is supported by numerous key partnerships with state, local, and tribal governments. Together these agencies have created a system that has given U.S. consumers confidence in the safety of their food purchases.

As good as the nation's food safety system is, it must improved. Illnesses and deaths due to contaminated food continue to cause considerable human suffering and economic loss. That is why, at the very beginning of his first term, President Clinton set a course to strengthen the nation's food safety system. Under the President's leadership, surveillance and research have dramatically increased, programs are better coordinated, and regulations are more science-based. But this is only the beginning. The Council on Food Safety, with the help of the public, will continue to identify problems and promote solutions.

The Council welcomes the input provided by the National Academy of Sciences in its August 1998 report *Ensuring Safe Food From Production to Consumption*. This report lays out a clear rationale for a national food safety plan, one that is based on science and risk.

- The Council supports **NAS recommendation I**, which states that the food safety system should be based on science. In this assessment of the NAS report, the Council provides numerous examples of where this is already the case and examples of areas that need to be strengthened.
- The Council supports **NAS recommendation IIa**, which calls for federal statutes to be based on scientifically supportable assessments of risk to public health. In this regard, the Council will conduct a thorough review of existing statutes and determine what can be accomplished with existing regulatory flexibility and what improvements will require statutory changes.
- The Council supports **NAS recommendation IIb**, which calls for the production of a comprehensive national food safety plan. In fact, the development of such a plan is already well underway and one of the primary functions of the Council as specified in Executive Order 13100. A key component of the plan will be a comparative risk assessment of the nation's food supply.
- The Council supports the goal of **NAS recommendation IIIa**. Here, the NAS calls for a new statute that establishes a unified framework for food safety programs with a single official with control over all federal food safety resources. The report acknowledges that there may be many organizational approaches to achieving the goal of a "single voice" for federal food safety.

activities. As recommended by the NAS, the Council will conduct an assessment of structural models that would strengthen the federal food safety system through better coordination, planning, and resource allocation.

The Council supports **NAS recommendation IIIb**. This recommendation argues that agencies should have the legal partnering tools needed to unify their efforts with state and local governments. Fortunately, federal food safety agencies already have many of the tools identified by the NAS and have used them to establish extensive partnerships with state, tribal, and local governments. However, some tools are missing and much more needs to be done to better coordinate the federal government's interactions with other levels of government. As part of the Council's strategic plan, the National Integrated Food Safety System project will identify barriers to effective partnering and recommend ways to overcome them.

## **President's Council on Food Safety Assessment of the NAS Report: Ensuring Safe Food from Production to Consumption**

At the request of Congress, the National Academy of Sciences (NAS) conducted a study of the current food safety system to: (1) determine the scientific basis of an effective food safety system; (2) assess the effectiveness of the current system; (3) identify scientific and organizational needs and gaps at the federal level; and (4) provide recommendations on scientific and organizational changes needed to ensure an effective food safety system. To conduct this study, the NAS established a committee and obtained input from federal agencies and other stakeholders of the federal food safety system. The NAS issued its report on August 20, 1998.

On August 25, 1998, through Executive Order 13100, the President established the Council and charged it to develop a comprehensive strategic plan for federal food safety activities and to make recommendations to the President on how to implement the plan. Also on August 25, 1998, the President issued a directive tasking the Council to provide him with an assessment of the NAS report in 180 days.

Specifically, the President directed:

“...the Council to review and respond to this report as one of its first orders of business. After providing opportunity for public comment, including public meetings, the Council shall report back to me within 180 days with its views on the NAS=s recommendations. In developing its report, the Council should take into account the comprehensive strategic federal food safety plan that it will be developing.”

In response to the President's directive, the Council established a task force consisting of representatives from the following departments and agencies: OSTP, HHS, USDA, EPA, OMB, and DOC. The task force benefited from valuable input obtained at four public meetings (Arlington, VA; Sacramento, CA; Chicago, IL; and Dallas, TX) and from public comment dockets maintained by EPA, FSIS, and FDA.

In general, the Council finds the NAS report a constructive contribution to its efforts to improve the effectiveness of the federal food safety system through strengthening science and risk assessment, strategic planning, and better federal integration with state and local governments. In particular, the NAS places appropriate weight throughout its report on applying science to the management of government food safety efforts. The Council believes that science based food safety surveillance and inspection are very important elements of the nation's food safety system.

The NAS report also recommends that the nation's food safety system should be based on risk. The Council agrees with the report's thesis that a food safety system that includes regulation, research and development, education, inspection and enforcement, and surveillance should be based on science and should use various risk analyses including quantitative and qualitative risk assessments and risk management principles to achieve such a system.

The Council recognizes that a food safety system comprised of 12 agencies with differing missions and statutory authority may increase the potential for uneven adoption and inconsistent application of regulatory philosophies based on science. However, the Council believes that through implementation of its strategic plan (including its assessment of existing statutes and structure) the potential for uneven adoption and inconsistent application among federal agencies will be reduced. The Council is committed to identifying further improvements that would result in a seamless science-based food safety system.

## **Recommendation I**

### **Base the food safety system on science.**

The NAS report notes that the United States has enjoyed notable successes in improving food safety and that with increasing knowledge, many rational, science-based regulatory philosophies have been adopted. The report suggests, however, that

adoption of these regulatory philosophies has been uneven and difficult to ensure given the fragmentation of food safety activities, and the differing missions of the various agencies responsible for specific components of food safety. The greatest strides in ensuring food safety from production to consumption, the NAS argued, can be made through a scientific, risk-based system that ensures surveillance, regulatory, research, educational resources are allocated to maximize effectiveness.

### **Council Assessment**

The Council strongly endorses this recommendation. Many federal food safety programs are already, or are being modified to be science-based. The Council recognizes that scientifically robust programs will result in better identification of public health needs, determination of the most effective means of reducing public health risk including the most cost-effective opportunities for improvement, and priority setting.

The scientific information generated through surveillance, research, and risk assessment efforts will result in improved food safety only if there is a commensurate strong effort to translate that scientific information into practical, usable information at the working level, e.g., through guidance or education. This means there must be education for all those involved in producing, manufacturing, transporting, and preparing food as well as for those persons involved in government food safety regulatory activities.

The Council's goal is to ensure that science and risk based decision-making are central to the Administration's on-going efforts and its strategic plan. Fortunately, considerable improvements have been made over the past several years. The strong scientific underpinnings of the President's Food Safety Initiative, enactment of the Food Quality Protection Act (FQPA), restructuring of food safety agencies within USDA, and many individual agency activities, such as implementation of HACCP

programs for meat, poultry, and seafood, have strengthened the overall science base of the food safety system.

The Council believes that the necessary elements of a science-based program—surveillance, outbreak response, risk assessment, research, inspection, and education of stakeholders—are largely in place, and that improvements planned for the next 5-10 years will enhance food safety. Specifically, the Council will consider in its strategic plan the following elements of a science-based food safety system:

- *Surveillance.* Food safety agencies will continue to develop more effective ways to achieve surveillance goals and to monitor the safety of the food supply. Although FoodNet (foodborne outbreak monitoring system), PulseNet (foodborne pathogen DNA fingerprinting system), and the National Antibiotic Resistance Monitoring System (NARMS) provide information never before available in the United States on foodborne illnesses and the occurrence of antibiotic resistant pathogens, enhanced quantitative data on the entire range of infectious and non-infectious foodborne hazards will require additional efforts.
- *Risk assessment.* Risk assessment is a valuable tool for setting priorities, allocation of resources, and regulatory decision-making. The development of a comparative risk assessment for hazards in the food supply will be an important aspect of both strategic planning and budgeting. As currently done for chemical hazards such as pesticide residues, the federal government needs to create and use a national microbial risk assessment capability as a means of identifying hazards and quantifying risk and assist in creating similar capacities internationally. EPA will use risk assessment to determine acceptable levels of pesticides residues. Under FQPA, this approach has been strengthened to further protect all consumers, and especially children, from the risks of pesticides in their diet.
- *Research.* Through the Joint Institute for Food Safety Research, a research infrastructure has been established to improve and coordinate food safety research activities across the federal government. The Institute will continue a critical review of the federally supported food safety research that was begun through the

National Science and Technology Council. Future goals in the area of research include: coordination of research planning, budget development, and prioritization; scientific support of food safety guidance, policy, and regulation; enhanced communication and links among federal agencies; and enhanced communication and links with industry and academic partners through use of public-private partnerships and technology transfer mechanisms.

- *Education.* Food safety agencies will expand science-based education and training programs for producers, processors, distributors, food service workers, and consumers as well as those involved in regulatory activities. It is essential to include in these programs new scientific information on foodborne hazards and their control and effective food safety management strategies.
- *Inspection/Preventive Controls.* USDA and FDA will further improve and evaluate the effectiveness of inspections of domestically and internationally produced food and will continue to develop and implement science-based preventive controls such as HACCP systems and the Good Agricultural Practices. Where necessary, regulatory requirements will be established, such as additional performance standards for pathogen reduction that can be developed as more monitoring and surveillance data become available.
- *Consistency of Science-Based Standards.* USDA, FDA, and EPA will work toward clear food safety standards nationally and internationally. The Conference for Food Production brings together all 50 states for purposes of regulating retail establishments, and the Food Code is gaining wider adoption among the states. Internationally, the Codex Alimentarius Commission (CAC) is the primary mechanism through which these activities will take place. U.S. food safety agencies should also become more active in providing technical assistance to developing countries.
- *Private Sector Incentives.* The federal and state regulatory agencies will work with the private sector to develop new technologies to further food safety and to encourage commercial scale-up applicable in large and small companies, and industry adoption. A research effort with industry, consumer, academic, and government participation could develop new technologies and evaluate them.

- *Evaluation.* Evaluating the effectiveness of science based regulatory programs continues to be critical. For example, *Salmonella* data from the first year of HACCP implementation in poultry facilities show a trend toward fewer contaminated products. Also, by providing important information on trends in the incidence of infections with foodborne pathogens, FoodNet assists in the evaluation of the effect of preventive controls. The effect of preventive controls implemented by the dairy industry on the reduction in the number of cases of listeriosis was readily apparent in a CDC-conducted case-control study that was a forerunner of FoodNet.

### **Scientific Challenges**

The Council faces a number of challenges in improving the scientific basis of the food safety system. A general challenge is that while food safety agencies must be guided primarily by science, the agencies must also consider other factors such as technical limitations, statutory mandates, policy considerations, budget constraints, practicality, and consumer assurances and societal preferences. Science must be advanced within the context of these competing interests. The following are a few examples of actions that would strengthen the scientific underpinnings of federal food safety efforts:

- Emerging new pathogens, changing food habits, a global food supply, and a changing population require new data that are difficult to predict and obtain in a timely way. An example is the impact of *E. coli* O157:H7, which was unknown as a foodborne pathogen 20 years ago, but has been responsible for major outbreaks of foodborne illness in recent years.
- Gaps exist in our knowledge of microbial pathogens and in our ability to measure their impact on human health. For example, there are gaps in knowledge about the pathogens associated with fresh fruits and vegetables and the routes of contamination.

- Assessment of cumulative risk from multiple sources presents a major scientific challenge. Implementation of the new FQPA standards for pesticide residues requires EPA to assess aggregate risk from food, water, and residential exposure as well as cumulative risk from multiple pesticides.
- Gaps exist in our knowledge of monitoring and detection of food contaminants. For example, our current knowledge is insufficient to detect and monitor the presence of non-indigenous pathogens or unapproved pesticides on food.
- Gaps exist in our knowledge of effective interventions, prevention, and alternatives that minimize contamination of food. For example, the existing level of knowledge is insufficient to develop on-farm preventive controls and systems of testing. With the advent of FQPA, more research is also needed to develop safer pesticide alternatives or crop production techniques in order to ease the transition from older pest control techniques to newer, safer ones.
- Insufficient data exist on the entire range of infectious and non-infectious foodborne hazards. Even with the improvements made through FoodNet and PulseNet, enhancement of quantitative data on the entire range of infectious and non-infectious foodborne hazards will strengthen monitoring and surveillance programs for prevention, early identification, and prediction of emerging food safety problems.

**Examples of Recent Changes that Strengthen the  
Federal Food Safety System Scientific Base**

- USDA 1994 reorganization (separated public health from marketing functions)
- HACCP implementation (12/97 seafood and 1/98 meat and poultry)
- FQPA enactment and implementation
- FoodNet/PulseNet established
- FDA Fresh Produce Guidelines released
- Joint Institute for Food Safety Research created
- Research funding increased
- Food Safety Research Database initiated
- Annual Food Safety Research Conference held
- Interagency Risk Assessment Consortium established
- Risk Assessment Clearinghouse established

## **Recommendation IIa**

**Congress should change federal statutes so that inspection, enforcement, and research efforts can be based on scientifically supportable assessments of risks to public health.**

The report identifies a need for a “national food law that is clear, rational, and comprehensive, as well as scientifically based on risk” as a major component of a model food safety system. The report concludes it is necessary to revise the current statutes on food safety to create a comprehensive national food law under which:

- Inspection, enforcement, and research efforts can be based on a scientifically supportable assessment of risks to public health. This means eliminating the continuous inspection system for meat and poultry and replacing it with a science-based approach that is capable of detecting hazards of concern.
- There is a single set of flexible science-based regulations for all foods that allows resources to be assigned based on risk, that permits coordination of federal and state resources, and that makes it possible to address all risks from farm to table.
- All imported foods come only from countries with food safety standards equivalent to U.S. standards.

The NAS report states that the laws~~X~~particularly what the report characterizes as the requirement that there be continuous inspection of meat and poultry production through sight, smell, and touch (Aorganoleptic $\cong$ ) inspection~~X~~create inefficiencies, do not allow resource use to reflect the risks involved, and inhibit the use of scientific decision-making in activities related to food safety, including the monitoring of imported food.

## **Council Assessment**

The report's recommendation that federal statutes provide agencies with authority to make decisions based on scientific assessments of risks to the public health is sound. Decisions based on public health risk assessments allow agencies to make effective use of science to set food safety priorities, allocate resources to higher risk areas, and instill consumer confidence that high-risk hazards are being addressed.

Since the federal food safety regulatory agencies operate under very different legislative authorities, the Council will conduct a full assessment of these statutes and evaluate the degree of regulatory flexibility that already exists. Therefore, the Council recommends that a legislative review be undertaken as part of the strategic planning process. The purpose of the review would be to: 1) examine the similarities and differences in federal food safety statutes; 2) identify the "best" statutory approaches for reducing foodborne illness; and 3) assess both gaps and statutory barriers to implementation of the plan. The need for statutory changes could then be determined, and, if necessary, legislative principles developed which would form the basis for discussions with stakeholders and Congress. For example, given the recent overhaul of pesticide legislation, the Council believes that further statutory changes may not be needed for pesticides at this time.

In some cases, the NAS report overstates the problem with existing statutory requirements. For example, the report concludes that the statutes require the current method of organoleptic inspection of all carcasses. Even though the current law requires continuous inspection, it does not specify how this inspection mandate is to be carried out. The statutes do require appropriate examination of animals prior to slaughter and examination post-slaughter at all official slaughter and processing facilities. This continuous inspection requirement for animals is important to ensure use of the best sanitary dressing processes, prevention of fecal contamination (which harbors the pathogens that cause disease), reduction in the incidence of disease-causing pathogens, and prevention of meat from diseased animals from entering the

food supply. Inspection of all animals and carcasses also serves to protect the public from diseases and other hazards to human health. Europe's experience with Bovine Spongiform Encephalopathy (BSE) should serve as a reminder that wholesale elimination of inspection of all animals and carcasses is not the most prudent course of action.

USDA has the flexibility to create, and in fact has begun to develop and test, a more risk based inspection system by adopting regulations requiring that HACCP be implemented in all slaughter and processing plants. USDA is also studying how best to effect further inspection improvements in the future.

The food safety agencies have achieved and can continue to accomplish significant science-based improvements in their food safety programs under current authorities. However, new authorities that would improve the federal food safety system have been proposed by the President and are waiting action by Congress or have been identified and are in need of Executive branch clearance before a formal legislative proposal can be advanced for congressional consideration. Further analysis of the statutes may result in additional proposed statutory modifications.

### **Current Legislative Challenges**

Congress should pass:

- the Food Safety Enforcement Enhancement Act, forwarded by the Clinton Administration and introduced during the last Congress that increases the enforcement capabilities of USDA; and
- legislation that gives FDA increased authority to effectively assure the safety of food imports.

The Administration should also explore areas where regulatory jurisdiction is split between agencies or where resources could be more effectively shared between agencies. Examples include:

- developing a legislative proposal to improve the current system for the regulation of eggs and egg products;
- modifying statutes to permit FSIS inspectors not only to report their findings to FDA but actually to perform inspections and enforcement for that agency to increase interagency efficiencies; and
- developing a legislative proposal giving FSIS explicit authority to enter into cooperative agreements for food safety risk assessment.

**Recent Advances in Applying Scientific Assessments  
Of Public Health Risks to Food Safety**

- HACCP implemented
- FQPA tolerance reassessment based on aggregate exposure, cumulative risk, and vulnerable subpopulations.
- Single, risk-based pesticide standard for food established
- Tolerance setting focusing on the riskiest pesticides
- Priority registration given to “safer” pesticides
- Risk Assessment Consortium established
- FoodNet/PulseNet established
- Good Agricultural Practices guidance for fresh produce established
- Unpasteurized juice warning labels required

**Recommendation IIb**

**Congress and the Administration should require development of a comprehensive national food safety plan. Funds appropriated for food safety programs (including research and education programs) should be allocated in accordance with science-based assessments of risk and potential benefit.**

This recommendation contains two parts. The first part recommends that Congress and the Administration require preparation of a comprehensive, national food safety plan. The NAS report lists several essential features of such a plan, including a unified food safety mission; integrated federal, state and local activities; adequate support for research and surveillance; and increased efforts to ensure the safety of imported foods. The second part of the recommendation stresses that resources should be allocated on the basis of science-based assessments of risk and potential benefits.

### **Council Assessment**

The Council agrees that a comprehensive national food safety strategic plan should be developed and the development of such a plan is underway. In fact, the President's Food Safety Initiative was an initial step toward a national food safety plan. The 1997 *Farm to Table* report was a means of leveraging federal food safety resources through coordinated planning and cooperative work to meet common needs such as development of surveillance data, response to outbreaks, research into preventive interventions, development of risk assessment techniques particularly for microbial risk assessments, and consumer education. This initial plan also took some steps toward extending food safety planning to the state and local level.

### **Strategic Planning**

Picking up where *Farm to Table* report left off, the Council will continue and expand the strategic planning process. One of the Council's primary purposes is to develop a comprehensive strategic plan for federal food safety activities that contains specific recommendations on needed changes, including goals with measurable outcomes. The plan's principal goal is to enhance the safety of the nation's food supply and protect public health through a seamless science- and risk-based food safety system. The plan will set priorities, improve coordination and efficiency, identify gaps in the

current system and mechanisms to fill those gaps, continue to enhance and strengthen prevention strategies, and develop performance measures to show progress.

Preparation of the food safety strategic plan will be a public process, and will consider both short- and long-term issues including new and emerging threats and the special needs of vulnerable populations such as children and the elderly. Once the plan is sufficiently complete, the Council will advise agencies of priorities for investing in food safety and ensure that federal agencies annually submit coordinated food safety budgets to OMB to sustain and strengthen existing capacities. In short, the President's Council on Food Safety will develop a national food safety plan and make budget recommendations to accomplish what the NAS report recommends.

The Council has defined the scope of future federal level food safety strategic planning and a process for interagency planning and public participation. An interagency task force anticipates having a draft plan ready for public review and discussion in January 2000. Even while developing this plan, the task force intends to continue its consultations with stakeholders. The following is the draft vision statement for the Council's strategic plan:

“Consumers can be confident that food is safe, healthy, and affordable. We work within a seamless food safety system that uses farm-to-table preventive strategies and integrated research, surveillance, inspection, and enforcement. We are vigilant to new and emergent threats and consider the needs of vulnerable subpopulations. We use science- and risk-based approaches along with public/private partnerships. Food is safe because everyone understands and accepts their responsibilities.”

The President's Council on Food Safety held four public meetings in the Fall of 1998 in Arlington, VA; Sacramento, CA; Chicago, IL; and Dallas, TX to solicit comments on this draft vision for food safety and to identify a strategic planning process, goals and critical steps as well as potential barriers to achieving that vision.

The Council's strategic planning task force is analyzing the transcripts of the 1998 public meetings and the input received through the notice and comment process to determine the major themes, issues, and subject areas. The task force will also consider the conclusions and recommendations of the NAS report, input from the federal, state, and local government National Integrated Food Safety System project, and input from the agencies involved. The task force will then develop a proposed set of strategic goals and objectives and present a draft plan to the President's Council on Food Safety. Following Council review, the draft plan will be provided to the public for formal review and comment. After public comment, the task force will prepare a final plan with specific recommendations on needed changes and steps to achieve a seamless food safety system including resource needs, roles, and barriers to implementation, and submit this final plan to the Council for approval.

The planning process will build upon common ground and provide the forum to tackle some of the difficult public health, resource, and management questions facing the federal food safety agencies and our state, tribal and local government partners. The plan will identify areas for enhanced coordination and efficiencies, determine whether legislative changes would be beneficial, and clarify federal, state, and local government roles and responsibilities in the national food safety system (see discussion under recommendation IIIb).

#### Allocation of Resources

The NAS report recommendation goes a step further than a national plan by urging that resources be allocated according to science-based assessments of risk and potential benefits. As stipulated in Executive Order 13100, the Council will develop annual budget recommendations consistent with the strategic plan. The Council will develop guidance for food safety agencies to consider during the preparation of their individual budgets. The Council has created a budget task force that will:

- work with the strategic planning task force and review the draft and final strategic plans and Council budget guidance on priority areas for investment to identify budget data and other information that will be necessary to plan and coordinate agency budget submissions to OMB;
- design a uniform format for presenting food safety initiative budget components in the OMB budget process for use in both individual agencies and the unified budget submissions;
- develop necessary guidance to facilitate submission of a unified food safety initiative budget and any other food safety issues deemed appropriate by the Council;
- establish a timetable for developing coordinated food safety budget requests and for submitting information to the Council that accommodates the various agencies' budget planning processes; and
- consider the issue of whether to amend OMB Circular No. A-11 (OMB guidance to agencies on budget structure and reporting elements) to include food safety as a budget cross-cut.

### Comparative Risk Assessment

An important part to both risk-based planning and resource allocation will be the development of a comprehensive comparative risk assessment of the food supply. The Council has requested the Interagency Food Safety Risk Assessment Consortium, which consists of EPA, FDA, CDC, and USDA, to consider how to develop a comparative risk analysis for food safety strategic planning.

The Council believes that various steps may need to be taken to evaluate risks including: a ranking of foodborne pathogen risks based on CDC surveillance and economic data; consideration of a broader range of food safety hazards including not only microbial risks, but also pesticides and chemicals; and finally selection of highly ranked hazards, an evaluation of control measures, and an evaluation of net benefits. The Council must avoid applying risk assessment that is too strict, rigorous, or

inflexible. Instead, the assessment must be used to prioritize the known greatest risks at the current time, with the understanding that scientific risk estimates can, and will likely, change frequently over time.

### **Challenges in Planning**

The Council faces the following challenges in developing a comprehensive food safety strategic plan and allocating resources based on risk:

- Developing and successfully implementing a national plan will require strong cooperation, coordination, and communication, since each federal, state, and local agency has unique mandates, authorities, history, culture, and operating procedures.
- The diversity of stakeholders in food safety is enormous. It will be difficult, but imperative, that all stakeholders are represented in the Council's planning process.

#### **Progress in Strategic Planning**

- President's 1997 Farm to Table Food Safety Initiative
- President's Fresh Produce and Imported Food Safety Initiative
- Establishment of the Joint Institute for Food Safety Research
- Establishment of the President's Council
- Input from the National Academy of Sciences, Council of Agricultural Science and Technology, and other organizations
- National Integrated Food Safety System project meetings
- Input from multiple public meetings

### **Recommendation IIIa**

**To implement a science-based system, Congress should establish by statute a unified and central framework for managing federal food safety programs, one that is headed by a single official and which has the responsibility and control of resources for all federal food safety activities, including outbreak management, standard-setting, inspection, monitoring, surveillance, risk assessment, enforcement, research, and education.**

The NAS report finds that the current regulatory structure for food safety in the United States is not well equipped to meet current challenges. Specifically, it points out that the system is facing tremendous pressures with regard to:

- emerging pathogens and ability to detect them;
- maintaining adequate inspection and monitoring of the increasing volume of imported foods, especially fruits and vegetables;
- maintaining adequate inspection of commercial food services and the increasing number of larger food processing plants; and
- the growing number of people at high risk for foodborne illnesses.

The report cites the strengths of the current food safety system, including the advent of FoodNet and PulseNet, HACCP implementation, and the Partnership for Food Safety Education. It also identifies deficiencies, which it attributes partly to “the fragmented nature of the system.” The report attributes the fragmentation largely to a lack of adequate integration among the various federal agencies involved in the implementation of the primary statutes that regulate food safety, and observes that this lack of adequate integration occurs also with state and local activities. The report notes that 12 primary federal agencies are involved in key food safety functions and references more than 50 memoranda of agreement between various agencies related to food safety.

The NAS report attributes the lack of adequate integration among federal, state and local food safety authorities in part to the absence of “focused leadership” that has the responsibility, the authority and the resources to address key food safety

problems. The report presents several examples of possible organizational structures to create a single federal voice for food safety. These include:

- a Food Safety Council with representatives from the agencies with a central chair appointed by the President, reporting to Congress and having control of resources;
- designating one current agency as the lead agency and having the head of that agency be the responsible individual;
- a single agency reporting to one current cabinet-level secretary; and
- an independent single agency at cabinet level.

Although the report indicates many of the NAS committee's members believe that a single, unified agency headed by a single administrator is the most viable structure for implementing the "single voice" concept, the report recognizes that there may be many other models that would be workable.

### **Council Assessment**

The Council agrees with the goal of the NAS recommendation--that there should be a fully integrated food safety system in the U.S. The food safety agencies are committed to this goal, and the Council is confident that its comprehensive strategic plan will be a major step toward creating a seamless system. The Council will conduct, through a public process, a thorough assessment of structural and organizational options before recommending major legislative or administrative actions on reorganization. The Council will identify and analyze existing models in government for achieving mutual and truly national food safety goals. Some of these models might address structure, and some might address facilitating mechanisms.

The Council's strategic plan will bring agreement on the vision, goals, and actions needed to enhance the safety of the nation's food supply and protect public health by reducing the annual incidence of acute and chronic foodborne illness. It will also

clarify the roles and responsibilities of each food safety agency as well as those of our state, tribal, and local government partners.

While the Council recognizes that certain models of reorganization may improve coordination and allow for a better allocation of resources, any reorganization of food safety activities must recognize the non-food-safety-related responsibilities of each agency and how these relate to the food safety responsibilities. Reorganization must not be done at the expense of these responsibilities and activities. The Council is concerned that, if not done carefully, separating food safety from non-food safety activities in each agency could act to weaken consumer protection overall.

The Council recognizes that expertise and knowledge, particularly expertise in state-of-the-art science and technology, provides a resource to food safety activities. For example, analytical methods for detection and quantification on economic adulterants in foods may be adapted to detection of chemical contaminants that threaten public health. Expertise in non-food safety regulatory science and legal procedures are critical when warnings are required on food labels to assure safety. In addition, reorganizations must avoid interfering with the public health framework established to identify and respond to infectious and non-infectious public health threats whether they are foodborne or not. Thus, in its strategic planning the Council will be cognizant of the interplay between the food safety and non-food safety activities of each agency and how they strengthen each other.

The Council believes that there are programs that can benefit from immediate reorganization. For example, during the last two years, FDA and NOAA have been developing a proposal to transfer the NOAA Seafood Inspection Program to FDA as a Performance Based Organization (PBO) in order to operate the voluntary Seafood Inspection Program on a more business-like basis. The PBO would be formed under the umbrella of FDA and would include all seafood inspection activities now carried out by NOAA. The fiscal year 2000 budget proposes to transfer the existing Seafood Inspection Program from NOAA to FDA. This action will fully consolidate federal

seafood inspection activities within one agency thereby increasing the efficiency and effectiveness of seafood oversight. It will also enhance the overall safety and wholesomeness of seafood products. Funds are provided to cover the costs of transition, including training and education activities.

### **Factors to Consider in Organizational Restructuring**

The Council assessment of structural and organizational options must take into consideration the following factors:

- Many food safety issues can only be dealt with through collaboration and partnerships between agencies. For example, BSE is an animal health issue and a human health issue. Foodborne disease problems are also waterborne disease problems. *Salmonella enteritidis* in shell eggs is not only a food safety issue but also an animal health and a marketing issue.
- Research and education programs for food safety do not operate as separate activities within the agencies, but rather draw significant strength from one another. For example, any attempt at placing “pure” food safety research and education in one agency could actually jeopardize the ability to deliver improved food safety to consumers. While some projects are entirely focused on food safety, the food safety research portfolio includes many other projects in such areas as animal health and animal genetics. Similarly, scientific expertise and endeavors should always inform regulatory activities. Each regulatory agency must have a cadre of trained and involved scientists to facilitate communications and cooperation with the research/education agencies. Thus, any restructuring must ensure continued coordination and communication between food safety programs and non-food safety functions that strengthen these programs.
- The Council should build upon existing successful partnerships. For example, CSREES FSIS, FDA, CDC and other private and governmental organizations now participate in the Partnership for Food Safety Education. This group serves

to coordinate food safety educational programs among private and governmental agencies, and is a key element of the Food Safety Initiative. Yet this and other partnerships would not be possible without relying on the many effective working relationships developed among the participants over the years, including joint projects on residue control and nutrition labeling. Any reorganization needs to recognize the importance of existing partnerships.

- Food safety standards at the federal, state, local, and international levels need to be consistent. Mechanisms such as the Codex Alimentarius for international standards and the Conference for Food Protection for federal and state standards are in place to reduce inconsistency, but better integration at all levels is needed and viewed as a long-range project.

**Recent Steps Taken to Create a Unified  
Federal Food Safety System**

- 1997 President's Food Safety Initiative implemented
- JIFSAN/Interagency Risk Assessment Consortium created
- President's Fresh Produce plan implemented
- FORC-G established
- President's Council on Food Safety established
- Restructuring of seafood inspection proposed
- Partnership for Food Safety Education created

**Recommendation IIIb**

**Congress should provide the agency responsible for food safety at the federal level with the tools necessary to integrate and unify the efforts of authorities at the state and local levels to enhance food safety.**

The NAS report recommends that federal, state, and local governments function as an integrated enterprise, along with their partners in the private sector. The report identified five statutory tools required to integrate federal, state, and local food safety activities into an effective national system:

- authority to mandate adherence to minimal federal standards for products or processes;
- continued authority to deputize state and local officials to serve as enforcers of federal law;
- funding to support, in whole or in part, activities of state and local officials that are judged necessary or appropriate to enhance the safety of food;
- authority given to the Federal official responsible for food safety to direct action by other agencies with assessment and monitoring capabilities; and
- authority to convene working groups, create partnerships, and direct other forms and means of collaboration to achieve integrated protection of the food supply.

This recommendation acknowledges the “equally critical roles” of state and local government entities with those of the federal government in ensuring food safety, and suggests changes in federal authorizing and appropriating legislation may be necessary to achieve better integration of federal, state, and local activities.

### **Council Assessment**

The Council agrees that the roles of state, tribal, and local governments in the food safety system are critical and supports steps taken toward the development of a more fully integrated national food safety system. While more needs to be done to optimize and develop new partnerships, the federal food safety agencies have already established extensive interactions with state and local regulatory agencies. In fact, a critical factor for the Council to consider is the manner in which existing federal/state or local activities are integrated and coordinated. The Council believes that its strategic planning process provides a fresh opportunity for their non-federal partners to participate as primary and equal partners in the development of the future food safety system.

Some overlap occurs between federal and state and local food safety efforts. Neither federal food safety agencies nor state and local agencies have sufficient resources to

carry out a comprehensive food safety program, but all these agencies have expertise and resources that, when combined in an integrated program, would significantly enhance the impact of food safety programs.

The Council also agrees that the five statutory tools identified by the NAS are critical to ensuring good coordination between the federal government and state and local agencies. Fortunately, the federal food safety regulatory agencies (FDA, FSIS, and EPA) already have many of the statutory tools recommended by NAS.

The Council recognizes and agrees with the report's conclusion that the lack of integration among federal, state, and local authorities often complicate the administration of regulatory programs. We need to utilize available mechanisms to leverage resources and expertise from government, industry, academia, and consumers to expand the nation's food safety capabilities beyond what any one group can accomplish. Increased awareness and knowledge of food safety in each segment of the food safety community reduces the need for extensive regulation of industry and decreases the incidence of contamination at every point in the food safety system in order to protect public health.

#### National Integrated Food Safety System (NIFSS) Project

HHS, USDA, and EPA are working with state and local officials in a National Integrated Food Safety System (NIFSS) project to identify the appropriate roles and to develop mutually supporting common goals for all levels of government in the U.S. food safety system. This work is considered integral to the Council's strategic plan and coordinated budget recommendations and will be the basis for improved integration with state, tribal and local governments.

Under the leadership of the FDA, the current project is proceeding under existing federal, state, and local laws although all levels of government recognize that changes in some of the federal and state laws will be necessary to achieve an integrated

system. The project began with a meeting of state and local officials from public health and agriculture agencies and state laboratories representing all 50 states, Puerto Rico, and the District of Columbia, CDC and USDA in Kansas City in September 1998. In December 1998, six work groups and an 18 member Coordinating Committee composed of federal, state and local officials met in Baltimore, Maryland to begin to develop plans for implementing recommendations and overcoming the obstacles identified at the Kansas City meeting. The next meeting is planned for late winter or early spring, 1999. The group estimates that a fully integrated federal/state/local food safety system will take approximately 10 years to build. The Association of Food and Drug Officials, which is an organization of state and local public health officials and regulators, endorses the concept of a NIFSS.

### **Challenges to Developing a National Integrated Food Safety System**

Even though there is some uniformity between federal and state standards (e.g., standards associated with the intrastate shipment of meat or poultry), the Council recognizes the following challenges to building an integrated food safety system:

- Integrated federal, state, and local food safety systems will help build a more consistent, uniform level of safety assurance across the nation. To accomplish this, however, clear, national standards are needed, together with uniform food safety messages and enhanced training, capability, and technical assistance to meet all levels of regulatory, industry, academic, and consumer need.
- Consumers are concerned that the economic interests of industry within states may be a source of conflict if those states have an expanded food safety role that includes activities thought to be primarily a federal responsibility (e.g., firm inspections).
- Industry is concerned that food safety regulation will be inconsistent among the states if systems are integrated without adequate preparation of the state agencies to step into the expanded food safety role.

- In order for integration to work, it is crucial that state and local governments have access to high quality scientists and health care professionals. The strategic plan will explore incentives for education and training of epidemiologists, laboratory workers, public health nurses, and environmental sanitarians.

#### **Examples of Federal/State/Local Cooperation**

- Milk Sanitation Program - Pasteurized Milk Ordinance
- Retail Food Safety Program - Food Code
- National, Integrated Food Safety System Project
- Interstate Shellfish Sanitation Program
- States conduct 5,000 inspections of FDA-regulated plants
- FDA maintains more than 100 state partnerships
- Conference for Food Protection
- FoodNet/Emerging Infections Program
- PulseNet
- Epidemiology and Laboratory Cooperative Agreements
- Appropriate delegation of pesticide responsibility to states
- Partial funding of states for implementation of some pesticide programs and for most compliance programs
- State FIFRA Issues Research and Evaluation Group
- State and local government involvement in FORC-G
- State conducts inspections in 250 FSIS regulated plants
- FSIS oversees and supports 26 state "equal to" meat and poultry inspection programs
- FSIS supports animal production food safety outreach projects involving 11 states
- FSIS supports animal production food safety workshops
- HACCP based enhancement of state labs, computer capabilities, and state training
- Partnership for Food Safety Education "Fight BAC!" campaign

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-FEB-1999 08:18:39.00

SUBJECT: Re: One America

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

READ:UNKNOWN

TEXT:

I think you should say that we would like to take the lead, as we do on all law enforcement matters. This is more a matter of policy, than a response to a particular legal proceeding. If you on't want to, I'll be glad to.

----- Forwarded by Elena Kagan/OPD/EOP on 02/22/99 08:19 AM -----

Maria Echaveste

02/20/99 03:43:32 PM

Record Type: Record

To: Robert B. Johnson/WHO/EOP

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

bcc:

Subject: Re: One America

I have seen the letter and it definitely requires a thoughtful response--probably something you will have to help us drive--I brought it to Elena's attention on Friday but it was in connection with press guidance because press was worried that Joe would be asked about it later that day--Your email is a reminder to Chuck and Bruce that someone should take lead in helping us devise response--I vote Chuck and perhaps we could use our next One America mtg or civil rights mtg to close loop.

Robert B. Johnson

02/20/99 03:39:54 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc: Minyon Moore/WHO/EOP, Charles F. Ruff/WHO/EOP, Bruce N. Reed/OPD/EOP, Thurgood Marshall Jr/WHO/EOP

Subject: Re: One America

Have you seen Hugh Price's open letter to the POTUS on the subject of police brutality? Is someone working on a response? I was pulled aside and asked about the president's response by a couple of NAACP state directors at last night's event. Fortunately in his remarks, the President spoke about the need to stop racial profiling and stopping people because of their race. Thanks.

Message Copied

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

Charles F. Ruff/WHO/EOP

Bruce N. Reed/OPD/EOP

Minyon Moore/WHO/EOP

Thurgood Marshall Jr/WHO/EOP

Elena Kagan/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-FEB-1999 12:36:13.00

SUBJECT: Chief State School Officers

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

READ:UNKNOWN

TEXT:

I have to return a phone call about this. do we want this?

----- Forwarded by Elena Kagan/OPD/EOP on 02/22/99 12:36  
PM -----

Karin Kullman

02/22/99 09:28:47 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Tanya E. Martin/OPD/EOP,  
Jonathan H. Schnur/OPD/EOP

cc:

Subject: Chief State School Officers

Bruce forwarded me a letter from the Council of Chief State School  
Officers requesting a meeting with the President sometime during their  
legislative conference in DC March 14-16. Would you like me to go ahead  
and submit a scheduling proposal for this meeting?

Would we just want to do a meeting with the group, or would we want to  
build some kind of message event around it?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-FEB-1999 13:28:39.00

SUBJECT: Re: Guidance

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

READ:UNKNOWN

TEXT:

sorry -- bruce and I were both at the NGA meeting and our staff is pretty  
well trained not to send stuff in until one of us has looked at it. It  
won't happen again.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-FEB-1999 13:27:51.00

SUBJECT: Re: Draft council reponse to NAS report

TO: 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

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

well let's try to do that.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-FEB-1999 12:36:18.00

SUBJECT: Title One Report

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

READ:UNKNOWN

TEXT:

do you know anything about this???

----- Forwarded by Elena Kagan/OPD/EOP on 02/22/99 12:37  
PM -----

Jennifer M. Palmieri

02/22/99 11:16:12 AM

Record Type: Record

To: Elena Kagan/OPD/EOP, Amy Weiss/WHO/EOP, Tanya E. Martin/OPD/EOP

cc: Elizabeth R. Newman/WHO/EOP, Lorrie McHugh/WHO/EOP

Subject: Title One Report

On today's amplification call, the Education Dept noted that it's releasing a mixed report on Title I next Monday (Julie Green says some good, some bad). Just an fyi, in case you did not know, I guess we will need guidance for Monday.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-FEB-1999 13:07:08.00

SUBJECT: Re: Draft council reponse to NAS report

TO: 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

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The summary language looks pretty good to me. The language within the report is worse: it seems as if all we talk about is the reasons for NOT coordinating -- e.g., the links between food safety issues and non-food safety issues. Can't we take some of this tuff out?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 23-FEB-1999 12:53:44.00

SUBJECT: 2/23 Leadership Stakeout Readout

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

READ: UNKNOWN

TEXT:

fyi  
 ----- Forwarded by Elena Kagan/OPD/EOP on 02/23/99 12:55  
 PM -----

Elizabeth R. Newman  
 02/23/99 12:47:47 PM  
 Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP  
 cc:  
 Subject: 2/23 Leadership Stakeout Readout

----- Forwarded by Elizabeth R. Newman/WHO/EOP on  
 02/23/99 12:48 PM -----

Nanda Chitre  
 02/23/99 11:27:34 AM  
 Record Type: Record

To: See the distribution list at the bottom of this message  
 cc:  
 Subject: 2/23 Leadership Stakeout Readout

2/23 Leadership Meeting Stakeout

Hastert: Had a good disscussion with the president. Talked about  
 foreign relations - talked about Kosovo.

On domestic issues talked about commissions to look at  
 some ideas.

On social security don't want to raise taxes or diminsh  
 benefits

Reform has to come, reform must be part of surplus.

Lott: Here to do people's business - work together across  
 party lines to do what american people expect of  
 us: provide best schools; on defense - pay for men  
 and women in uniform; social security. Talked about a  
 range of issues.

Foreign policy: talked about Kosovo - progress has been  
 made. Encourage parties to work together to stop  
 the fighting.

Medicare commission meeting this week - bipartisan group  
 - we need to support their work - critical to any  
 kind of reform.

Missile defense - made some progress to have missile  
 defense but anytime you talk about missile defense  
 it has ramifications with the Russians. Need a  
 bipartisan national security working group to meet  
 that would meet with the Duma - need modifications of some existin  
 treaties.

Q: Have you given up on idea of tax cut?

Hastert: There are a lot of tax cuts in menu - lot of what we do  
 will be a mix.

IRS and tax code need to be fairer; need to look at  
 eliminating the marriage penalty tax. With any tax cut  
 have to keep in mind how to continue expanding growth.

Lott: Anytime we can talk about tax cut I am happy.

Q: Relations with Congress?

Lott: First bipartisan meeting since July of 1997 -  
 speaker has been setting the right tone.

Q: You said you couldn't trust trust the president?

Lott: We will work together to move forward on people's  
 business - we are going to work together.

Daschle: Support efforts on Kosovo - need long standing resolution  
 to issue.

On domestic side, what do we do with surplus? 77% wedded  
 to social security and medicare - need reform, need  
 committment from WH and Congress

Target tax relief targetted to usa accounts, childcare.  
 Talked about education: school construction, hiring  
 additional teachers, and technology for classrooms.

Gephardt: 77% is the threshold issue in social security and  
 medicare.

Also brought up speaker was not adamant that there be the  
 10% tax cut - if that's the case then let's do targetted  
 tax cuts. Let's do minimum wage, patient bill of  
 rights, campaign finance reform in next 3 months - can get all  
 passed.

Q: What do you think about meeting with Republicans?

Daschle: Meeting was a good thing, productive, constructive.

Q: 10% tax cut dead issue?

Gephardt: President very clear about saving 77% of surplus -- it's  
 a threshold issue.

If we can't agree on that threshold issue then we face a  
 much more severe set of circumstances. Have to  
 reach agreement in the next weeks. They said they were  
 flexible, they have to go back and talk to their people, we have to talk  
 to our caucus.

If we pare down the national debt rather than do a tax cut we can bring down inflation, interest rates - economic effects are really positive.

Q: Republicans did not directly respond to trust issue.

Gephardt: They have to work with president of united states, meeting was a good positive development. I don't have any concern about our ability to work together.

Message Sent

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

Jennifer M. Palmieri/WHO/EOP  
 Barry J. Toiv/WHO/EOP  
 Dag Vega/WHO/EOP  
 Anne M. Edwards/WHO/EOP  
 Brenda M. Anders/WHO/EOP  
 Megan C. Moloney/WHO/EOP  
 Elizabeth R. Newman/WHO/EOP  
 Julia M. Payne/WHO/EOP  
 Julianne B. Corbett/WHO/EOP  
 Mark D. Neschis/WHO/EOP  
 Nanda Chitre/WHO/EOP  
 James M. Teague/WHO/EOP  
 Beverly J. Barnes/WHO/EOP  
 Mark A. Kitchens/WHO/EOP  
 Jason H. Schechter/WHO/EOP  
 Dorinda A. Salcido/WHO/EOP  
 Sarah E. Gegenheimer/WHO/EOP  
 Julie B. Goldberg/WHO/EOP  
 Roger V. Salazar/WHO/EOP  
 Susanna B. McGuire/WHO/EOP  
 Julie E. Mason/WHO/EOP  
 BERNSTEIN\_MJ @ A1@CD@VAXGTWY  
 Kevin S. Moran/WHO/EOP  
 Nathan B. Naylor/OVP @ OVP  
 Patrick E. Briggs/WHO/EOP  
 SUNTUM\_M @ A1@CD@VAXGTWY @ VAXGTWY  
 OLCOTT\_E @ A1 @ CD @ VAXGTWY  
 Joshua S. Gottheimer/WHO/EOP  
 Heather M. Riley/WHO/EOP  
 Amy Weiss/WHO/EOP  
 Victoria L. Valentine/WHO/EOP  
 Lorrie McHugh/WHO/EOP  
 Toby C. Graff/WHO/EOP  
 Sharon K. Gill/WHO/EOP  
 Sharon Farmer/WHO/EOP  
 Ralph Alswang/WHO/EOP  
 WOZNIAK\_N @ A1 @ CD @ LNGTWYCROWLEY\_P @ A1 @ CD @ LNGTWY  
 David C. Leavy/NSC/EOP  
 Michael A. Hammer/NSC/EOP  
 Sara M. Latham/WHO/EOP  
 Charles M. Brain/WHO/EOP  
 Janet Murguia/WHO/EOP  
 Steve Ricchetti/WHO/EOP  
 Dominique L. Cano/WHO/EOP  
 Marjorie Tarmey/WHO/EOP

Maria Echaveste/WHO/EOP  
Linda Ricci/OMB/EOP  
Douglas B. Sosnik/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 19:04:37.00

SUBJECT: Re: Video Request for Charter Schools Conference

TO: Karin Kullman ( CN=Karin Kullman/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

sure

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 14:05:02.00

SUBJECT: Re: SAP on Ed-flex

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

READ:UNKNOWN

TEXT:

I agree, and Bruce does as well. He also suggested that we change the last phrase from passive to active voice: "to ensure that state waivers ... enhance children's ed achievment."

Also, Bruce agrees that we should be as specific as possible re numbers on the reauth proposal.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:32:05.00

SUBJECT: Re: Hugh Price letter

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

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/23/99 12:33  
PM -----

Maria Echaveste  
02/23/99 12:26:15 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Marjorie Tarmey/WHO/EOP, Clara J. Shin/WHO/EOP  
bcc:  
Subject: Re: Hugh Price letter

GREAT--let my office know when, and make sure Ben and Edley are in the loop. Thanks.

Elena Kagan  
02/23/99 12:21:41 PM  
Record Type: Record

To: Maria Echaveste/WHO/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Re: Hugh Price letter

I believe Jose and Laura are in the midst of putting together a meeting for sometime this week.

Message Copied

To: \_\_\_\_\_  
Robert B. Johnson/WHO/EOP  
Bruce N. Reed/OPD/EOP  
Charles F. Ruff/WHO/EOP  
edley @ law.harvard.edu @ inet  
Clara J. Shin/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:20:09.00

SUBJECT: Re: revised class size paper

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

TEXT:

Let's make sure these seven-year numbers get done, OMB quibbles notwithstanding. This is our top priority, and the critical time is now. We should make our materials as strong as possible.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:31:23.00

SUBJECT: Re: President's feedback on Edley's Workplan Outline

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/23/99 12:32 PM -----

Paul J. Weinstein Jr.  
02/23/99 12:26:34 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

CC:

Subject: Re: President's feedback on Edley's Workplan Outline

You are correct. Please see Bruce's E-mail below. Are you comfortable with me delivering that message or would you like to.

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on 02/23/99 12:26 PM -----

Bruce N. Reed  
02/23/99 11:58:12 AM  
Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP, Cynthia A. Rice/OPD/EOP, Andrea Kane/OPD/EOP

cc:

Subject: Re: President's feedback on Edley's Workplan Outline

Here is what I sent Maria: we should tell Chris what we've already proposed, and work with Gene on something new if need be, since obviously something "BIG" would involve MONEY.

----- Forwarded by Bruce N. Reed/OPD/EOP on 02/23/99 11:59 AM -----

Bruce N. Reed  
02/17/99 12:41:04 PM  
Record Type: Record

To: Maria Echaveste/WHO/EOP

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

Subject: Re: President's feedback on Edley's Workplan Outline

First we should put in one place the proposals we're already pushing to help jobless young men. For example, 20% of our welfare-to-work proposal is dedicated to helping fathers (most of them in this age group) get

jobs. We also have a DOJ proposal we pushed at the President's request to expand work/training for federal prisoners. Gene has more proposals in the budget as well, and if there's a desire to come up with still more ideas, NEC would be the right one to host a process.

Message Copied

To:

---

Gene B. Sperling/OPD/EOP

Elena Kagan/OPD/EOP

Sarah Rosen/OPD/EOP

Sally Katzen/OPD/EOP

Clara J. Shin/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 19:11:44.00

SUBJECT: Re: Hugh Price letter

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

READ:UNKNOWN

TEXT:

We will try to do it tomorrow.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Pager No. (Partial) (1 page)	02/23/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[02/19/1999 - 02/28/1999]

2009-1006-F  
wr60

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:30:15.00

SUBJECT: Help!!

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

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

TEXT:  
----- Forwarded by Elena Kagan/OPD/EOP on 02/23/99 12:31  
PM -----

Paul J. Weinstein Jr.  
02/23/99 11:33:01 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, Andrea Kane/OPD/EOP  
cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
Subject: Help!!

call me about this. 65577.  
----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on  
02/23/99 11:33 AM -----

[601]

"Christopher Edley, Jr." <edley @ law.harvard.edu>  
02/23/99 10:46:09 AM

Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP  
cc:  
Subject: Help!!

I need help filling in a big gap identified by POTUS in the jobs/econ  
development chapter. He wants something focused on single men BIG --  
comparable to welfare-to-work, or whatever. Please page me at  
[REDACTED] or call at 5-1039, as soon as you get a chance. I thought  
Maria was going to handle this for me with Bruce, but apparently nothing  
has happened.

Gracias.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:42:43.00

SUBJECT: Re: Thanks

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

READ:UNKNOWN

TEXT:

one day down...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:27:50.00

SUBJECT: Hugh Price letter

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Let's get this meeting together now. Give Laura a list.

----- Forwarded by Elena Kagan/OPD/EOP on 02/23/99 12:29  
PM -----

Maria Echaveste

02/23/99 09:48:45 AM

Record Type: Record

To: Robert B. Johnson/WHO/EOP, Bruce N. Reed/OPD/EOP, Charles F.  
Ruff/WHO/EOP

cc: edley @ law.harvard.edu @ inet, Clara J. Shin/WHO/EOP, Elena  
Kagan/OPD/EOP

Subject: Hugh Price letter

In connection with the crime section of the book, we had scheduled a meeting (right now on Mon 3/1) on racial profiling to see if we couldn't reach agreement on what the President should say about this. At the same time the NYC african immigrant shooting caused Hugh Price on 2/17 to write an open letter asking the President to take a more visible role on minorities and the criminal justice system, asking, inter alia, for DOJ to issue guidelines on how law enforcement should conduct its work while protecting civil rights and liberties. In some ways the crime section of the book addresses some of these issues. So we need to be coordinated both as to how we respond to Price letter and how we finalize the crime section of the book. Seems to me a quick meeting today, tomorrow or friday on the price letter, keeping in mind monday's mtg, would help us agree on a strategy here--Chuck, Bruce, Elena--I'll be happy to call the meeting if you haven't done so already.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:46:19.00

SUBJECT: Re: President's feedback on Edley's Workplan Outline

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

READ:UNKNOWN

TEXT:

Yes, I know. I just e-mailed paul saying I didn't think this was the kind of process you had in mind. He said that you had just e-mailed him with much the same message. I told him to be sure he touches base with nec before saying anything to Chris about where we go from here. And I forwarded all the messages to Gene.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Bruce Reed. Subject: urban league letter. (1 page)	02/23/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[02/19/1999 - 02/28/1999]

2009-1006-F  
wr60

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 17:32:21.00

SUBJECT: Pay Equity Mtg.

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

TEXT:  
please update the memo if needed and get me another copy.  
----- Forwarded by Elena Kagan/OPD/EOP on 02/23/99 05:33  
PM -----

Dawn L. Smalls  
02/23/99 04:46:48 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Sara M. Latham/WHO/EOP, Kevin S. Moran/WHO/EOP  
Subject: Pay Equity Mtg.

The Pay Equity meeting has been rescheduled for Thursday at 2:30 in the  
Roosevelt Room. Pls call me at 6-4514 with any questions. Thanks.

----- Forwarded by Dawn L. Smalls/WHO/EOP on 02/23/99  
03:43 PM -----

Dawn L. Smalls  
02/08/99 06:10:59 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Sara M. Latham/WHO/EOP, Kevin S. Moran/WHO/EOP  
Subject: Pay Equity Mtg.

John will have a meeting on pay equity with Sen. Harkin and women's groups  
on Wednesday, February 10 at 11:30am in the Roosevelt Room. There will be  
a pre-brief Tuesday evening time tbd.

Pls call me at 6-4514 with any conflicts/questions. Thanks.

Message Sent

- To: \_\_\_\_\_
- Elena Kagan/OPD/EOP
  - Laura Emmett/WHO/EOP
  - Sally Katzen/OPD/EOP
  - Shannon Mason/OPD/EOP
  - Caroline R. Fredrickson/WHO/EOP
  - Thomas L. Freedman/OPD/EOP
  - Mary L. Smith/OPD/EOP
  - Carolyn T. Wu/WHO/EOP
  - Karen Tramontano/WHO/EOP
  - Jennifer M. Luray/WHO/EOP

## Message Sent

To:

---

Elena Kagan/OPD/EOP  
Laura Emmett/WHO/EOP  
Sally Katzen/OPD/EOP  
Shannon Mason/OPD/EOP  
Caroline R. Fredrickson/WHO/EOP  
Thomas L. Freedman/OPD/EOP  
Mary L. Smith/OPD/EOP  
Carolyn T. Wu/WHO/EOP  
Karen Tramontano/WHO/EOP  
Jennifer M. Luray/WHO/EOP  
Ruby Shamir/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 13:45:32.00

SUBJECT: LRM CJB 8 = REVISED Statement of Administration Policy on S280 To Provide for Ed

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/23/99 01:47  
PM -----

Constance J. Bowers

02/23/99 01:39:38 PM

Record Type: Record

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

cc:

Subject: LRM CJB 8 = REVISED Statement of Administration Policy on S280 To  
Provide for Education Flexibility Partnerships

Please provide comments on this reviseddraft SAP on S. 280 by:

4:00 p.m. today, Tuesday, February 23, 1999  
(Senate consideration of S. 280 could begin tomorrow

The text of the revised SAP follows. A text file is also included  
below. Please note that reviewers should select from the two options  
containing language on accountability.

DRAFT

February 23, 1999  
12:45 PM

STATEMENT OF ADMINISTRATION POLICY

S. 280 - EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

(Sponsors: Frist (R), Tenn. and 33 others)

The Administration supports Senate passage of S. 280, which would  
expand  
the "Ed-Flex" demonstration authority to permit all States to waive certain  
statutory and regulatory requirements of Federal education

[OPTION #1] programs, but urges that the accountability provisions of  
the  
bill be strengthened, to ensure that children's educational achievement is  
enhanced by State waivers of Federal requirements.

[OPTION #2] programs. The Administration is pleased that the pending  
manager's substitute will strengthen the accountability provisions of the  
bill,  
which will ensure that children's educational achievement is enhanced by  
State  
waivers of Federal requirements.

S. 280 is [generally] consistent with the President's call for

expansion of

Ed-Flex in a manner that will promote high standards and accountability for results, coupled with increased flexibility for States and local school districts to achieve those results.

The Administration supports a pending amendment to S. 280 that would implement the President's proposal for a long-term extension of the 1-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

\* \* \* \* \*

- S280-SAP.DOC

----- Forwarded by Constance J. Bowers/OMB/EOP on  
02/23/99 12:00 PM -----  
Total Pages: \_\_\_\_

LRM ID: CJB8  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Tuesday, February 23, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Constance J. Bowers  
PHONE: (202)395-3803 FAX: (202)395-6148

SUBJECT: REVISED Statement of Administration Policy on S280 To Provide for Education Flexibility Partnerships

DEADLINE: 4:00 p.m. today Tuesday, February 23, 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:

EOP:  
Barbara Chow

Sandra Yamin  
 Barry White  
 Leslie S. Mustain  
 Jonathan H. Schnur  
 Tanya E. Martin  
 Elena Kagan  
 Broderick Johnson  
 Caroline R. Fredrickson  
 Janelle E. Erickson  
 Kate P. Donovan  
 Brian S. Mason  
 William H. White Jr.  
 Daniel J. Chenok  
 Daniel I. Werfel  
 Pamula L. Simms  
 Howard Dendurent  
 Janet R. Forsgren  
 James J. Jukes

LRM ID: CJB8      SUBJECT:    REVISED    Statement of Administration Policy on  
 S280 To Provide for Education Flexibility Partnerships

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:                    Constance J. Bowers    Phone: 395-3803    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: \_\_\_\_\_



DRAFT  
February 23, 1999  
12:45 PM

STATEMENT OF ADMINISTRATION POLICY

S. 280 - EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

(Sponsors: Frist (R), Tenn. and 33 others)

The Administration supports Senate passage of S. 280, which would expand the "Ed-Flex" demonstration authority to permit all States to waive certain statutory and regulatory requirements of Federal education

[OPTION #1] programs, but urges that the accountability provisions of the bill be strengthened, to ensure that children's educational achievement is enhanced by State waivers of Federal requirements.

[OPTION #2] programs. The Administration is pleased that the pending manager's substitute will strengthen the accountability provisions of the bill, which will ensure that children's educational achievement is enhanced by State waivers of Federal requirements.

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The Administration supports a pending amendment to S. 280 that would implement the President's proposal for a long-term extension of the 1-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

\* \* \* \* \*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 14:45:39.00

SUBJECT: empowerment legislation

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

TEXT:

Paul assures me that this is old news or no news or both. So you should go ahead as and when you and the VP's office prefer. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:29:18.00

SUBJECT: Re: President's feedback on Edley's Workplan Outline

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

READ:UNKNOWN

TEXT:

no, you can. but you should talk with whover in gene's office would have an interest first.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:22:20.00

SUBJECT: Re: Hugh Price letter

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

READ:UNKNOWN

CC: edley ( edley @ law.harvard.edu @ inet [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Charles F. Ruff ( CN=Charles F. Ruff/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

CC: Robert B. Johnson ( CN=Robert B. Johnson/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I believe Jose and Laura are in the midst of putting together a meeting for sometime this week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 14:14:50.00

SUBJECT: policy/message

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

READ:UNKNOWN

TEXT:

looks as if nec no longer does announcements.

----- Forwarded by Elena Kagan/OPD/EOP on 02/23/99 02:16  
PM -----

Carolyn T. Wu

02/23/99 02:06:05 PM

Record Type: Record

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

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

Subject: policy/message

Doug and Karen will be holding a meeting tomorrow (2/24) at 6 pm in the Roosevelt Room. Please be ready to give them an overview of upcoming policy matters which may be good for the President to announce. (Time frame: now until August).

Please let me know if you or your principal will not be able to make it. The meeting will last less than 1 hour.

Message Sent

To: \_\_\_\_\_  
Douglas B. Sosnik/WHO/EOP  
Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Christopher C. Jennings/OPD/EOP  
Neal Lane/OSTP/EOP  
Wesley P. Warren/CEQ/EOP

Message Copied

To: \_\_\_\_\_  
Dominique L. Cano/WHO/EOP  
Cathy R. Mays/OPD/EOP  
Laura Emmett/WHO/EOP  
Teresa M. Jones/OPD/EOP  
Betty J. Fountain/OSTP/EOP  
Nancy Marlow/CEQ/EOP

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Elena Kagan to Bruce Reed. Subject: staff/education [partial] (1 page)	02/23/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[02/19/1999 - 02/28/1999]

2009-1006-F  
wr60

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP { OPD } )

CREATION DATE/TIME:23-FEB-1999 12:23:08.00

SUBJECT: staff/education

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

READ:UNKNOWN

TEXT:

such an effective management style.

----- Forwarded by Elena Kagan/OPD/EOP on 02/23/99 12:24 PM -----

Maria Echaveste

02/23/99 10:06:48 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Elena Kagan/OPD/EOP, Robert B. Johnson/WHO/EOP

Subject: staff/education

[003]

How are you doing re hiring someone to do race on dpc staff?

[REDACTED] PB(b)(6)

[REDACTED] Also, what's our plan for responding to domenici's 40% increase in education, which I believe is expected to be focused on special ed--didn't we just do idea reauthorization--when is your regular education strategy mtg? lastly, who are you hiring to do education for you?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 13:21:28.00

SUBJECT: Re: revised class size paper

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

READ:UNKNOWN

TEXT:

Check with Mike first. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:44:06.00

SUBJECT: Re: staff/education

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

READ:UNKNOWN

TEXT:

I leave it to you to respond.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:25:28.00

SUBJECT: Re: Help!!

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

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

TEXT:

Paul --we should talk about this. I don't think this is quite the process  
bruce and gene had in mind.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Elena Kagan to Jose Cerda. Subject: urban league letter. (1 page)	02/23/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[02/19/1999 - 02/28/1999]

2009-1006-F

wr60

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(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:24-FEB-1999 10:42:48.00

SUBJECT:

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/24/99 10:44  
AM -----

Lorrie McHugh  
02/24/99 10:14:39 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP, Jennifer M. Palmieri/WHO/EOP  
cc:  
Subject:

FDA Commissioner Henney asked that I pass along the following - She is giving a speech on March 12 before the NDMA (the OTC drug folks) and would like the OTC labeling announcement to be out there before then if possible. I told them that it was still up in the air.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-FEB-1999 20:31:30.00

SUBJECT: Re: Draft Price Letter

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

READ:UNKNOWN

TEXT:

Thanks. You know, I thought Chuck was enormously helpful.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-FEB-1999 11:01:25.00

SUBJECT: Re: Car Seats Radio Address This Week

TO: Karin Kullman ( CN=Karin Kullman/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

yes.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-FEB-1999 11:01:43.00

SUBJECT: Re: Car Seats Radio Address This Week

TO: Karin Kullman ( CN=Karin Kullman/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

as long as everyone understands it's a draft and may change.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-FEB-1999 16:07:36.00

SUBJECT: radio address leak!

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/25/99 04:09  
PM -----

Amy Weiss

02/25/99 03:02:09 PM

Record Type: Record

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

cc:

Subject: radio address leak!

President to announce child seat rule in  
radio address

WASHINGTON (AP) - President Clinton is expected to use his weekly  
radio address Saturday to announce a rule requiring that all  
child safety  
seats in new cars be anchored by the same, simple system, The  
Associated  
Press has learned.

The rule, approved last month by the White House's Office of  
Management  
and Budget and the Department of Transportation, should help  
parents avoid  
the struggle to cinch the seat with a seat belt, as well as the  
confusion that  
results when using seats or cars of different designs. The  
design approved  
earlier involved installation of a metal bar behind the rear  
seat to serve as  
anchor to toddlers' seats.

The government estimates that about 80 percent of child car  
seats are not  
properly installed. If all children using child seats were  
restrained properly,  
68 children's lives would be saved annually, according to the  
National  
Highway Traffic Safety Administration.

It will take years for all child seats and cars to have the  
system, however,  
because it will be required only on new products and auto makers  
will be  
given lead time to install the anchors.

Almost two years have passed since Clinton announced the proposed uniform child seat in a speech. Since then, the design of the seat anchorage has changed, in part to try to ensure that auto makers could use the same anchor system in vehicles sold in other countries.

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## Message Sent

To:

---

Julianne B. Corbett/WHO/EOP  
Megan C. Moloney/WHO/EOP  
Jennifer M. Palmieri/WHO/EOP  
Elena Kagan/OPD/EOP  
Mark D. Neschis/WHO/EOP

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Elena Kagan to Patricia Ewing. Subject: Re: VP. (1 page)	02/25/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[02/19/1999 - 02/28/1999]

2009-1006-F  
wr60

### 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]
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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)]

- 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:25-FEB-1999 16:20:07.00

SUBJECT: RECEIVED: cigar report -- Laura make this a daily report

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

cigar report -- Laura make this a daily report

was successfully received by:

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

at:

02/25/99 04:09:43 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-FEB-1999 12:36:35.00

SUBJECT: Re: Hugh Price Letter.

TO: Phillip Caplan ( CN=Phillip Caplan/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

does it matter? I give up.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:22:20.00

SUBJECT: Re: Hugh Price letter

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

CC: edley ( edley @ law.harvard.edu @ inet [ UNKNOWN ] )  
READ:UNKNOWN

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

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

CC: Charles F. Ruff ( CN=Charles F. Ruff/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

TEXT:

I believe Jose and Laura are in the midst of putting together a meeting for sometime this week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 12:32:05.00

SUBJECT: Re: Hugh Price letter

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/23/99 12:33  
PM -----

Maria Echaveste

02/23/99 12:26:15 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Marjorie Tarmey/WHO/EOP, Clara J. Shin/WHO/EOP

bcc:

Subject: Re: Hugh Price letter

GREAT--let my office know when, and make sure Ben and Edley are in the loop. Thanks.

Elena Kagan

02/23/99 12:21:41 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

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

Subject: Re: Hugh Price letter

I believe Jose and Laura are in the midst of putting together a meeting for sometime this week.

Message Copied

To:

Robert B. Johnson/WHO/EOP

Bruce N. Reed/OPD/EOP

Charles F. Ruff/WHO/EOP

edley @ law.harvard.edu @ inet

Clara J. Shin/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-FEB-1999 19:11:44.00

SUBJECT: Re: Hugh Price letter

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

READ:UNKNOWN

TEXT:

We will try to do it tomorrow.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-FEB-1999 14:21:22.00

SUBJECT: Re: IDEA

TO: Tanya E. Martin ( CN=Tanya E. Martin/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

OK. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:25-FEB-1999 16:20:06.00

SUBJECT: RECEIVED: Cigar Report

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Cigar Report

was successfully received by:

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

at:

02/25/99 04:16:57 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-FEB-1999 14:04:29.00

SUBJECT: revised ed-flex actuality

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/25/99 02:06  
PM -----

Jeffrey A. Shesol  
02/25/99 10:36:19 AM

Record Type: Record

To: See the distribution list at the bottom of this message  
CC:  
Subject: revised ed-flex actuality

Final 02/25/99 10:30am  
Jeff Shesol

PRESIDENT WILLIAM J. CLINTON  
RADIO ACTUALITY ON ED-FLEX AMENDMENT  
February 25, 1999

This year we have an opportunity to work together, across party lines, to bring true progress to America's public schools. I welcome the idea of greater flexibility for states and school districts; and I urge the Senate to pass Ed-Flex legislation that provides for greater flexibility and accountability. But we must do more to give our children a world-class education. That is why I strongly support the amendment proposed by Senators Kennedy and Murray. We must make a national commitment to hiring more teachers and reducing the size of classrooms across America. Studies confirm what every parent already knows: smaller classes make a big difference, from improved test scores to improved discipline. The Senate should pass the Kennedy-Murray Amendment, and give our nation's children the individual attention they deserve in the classroom, and the better future that only a good education can bring.

Message Sent

To:

---

Bruce N. Reed/OPD/EOP  
Cathy R. Mays/OPD/EOP  
Elena Kagan/OPD/EOP  
Laura Emmett/WHO/EOP  
Amy Weiss/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-FEB-1999 16:08:20.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

do you want any others?

----- Forwarded by Elena Kagan/OPD/EOP on 02/25/99 04:10  
PM -----

Jonathan H. Schnur

02/25/99 02:28:02 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP

cc:

Subject:

Here is the list of states:

Washington

Maine

Rhode Island

Ohio

Pennsylvania

Michigan

Virginia

Vermont

if possible, Oregon might also be helpful.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-FEB-1999 17:31:35.00

SUBJECT: Revised IDEA memo

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

READ:UNKNOWN

TEXT:

This isn't very good right now, but it provides some background. I'm going to spend the next 20 minutes trying to figure some other stuff out.  
----- Forwarded by Elena Kagan/OPD/EOP on 02/25/99 05:33 PM -----

Tanya E. Martin  
02/25/99 05:09:33 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: Revised IDEA memo

OMB's revised memo is attached. I'm reviewing it now and will provide comments shortly. I understand that OMB is trying to turn this around immediately.  
----- Forwarded by Tanya E. Martin/OPD/EOP on 02/25/99 04:58 PM -----

David Rowe

02/25/99 04:55:04 PM

Record Type: Record

To: Tanya E. Martin/OPD/EOP  
cc: Barry White/OMB/EOP, Leslie S. Mustain/OMB/EOP  
Subject: Revised IDEA memo

Attached is a revised version of the IDEA memo for the president. Barbara has not looked at it yet -- she is reviewing this draft.

Let me or Barry know if you have comments.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D70]MAIL43176416P.036 to ASCII,

## MEMORANDUM FOR THE PRESIDENT

From:

Subject: Individuals with Disabilities Education Act (IDEA)

This memo provides you with background on two issues concerning the Individuals with Disabilities Education Act (IDEA): the potential controversy surrounding the publication of the IDEA regulations; and the criticism by the National Governors Association and others that the federal government does not adequately support the cost of educating students with disabilities.

### **General Background**

The Individuals with Disabilities Education Act (IDEA) Amendments of 1997 substantially reflected the Administration's own reauthorization proposals, and were the result of substantial negotiation with Hill leadership. The reauthorization retained the civil rights component of the law, in place since the mid 1970's, by still requiring States to provide all children with disabilities a "free appropriate public education" (FAPE) designed to meet their individual needs. This requirement was an is without regard to the cost of the services or the size of the federal appropriation. These amendments added a focus on improving educational outcomes for children with disabilities. For instance, these amendments required States to develop educational achievement goals for children with disabilities, and include children with disabilities on State and district-wide assessments.

The IDEA has always been controversial because it imposes prescriptive and costly administrative mandates on States, and because States want the federal government to pay a larger share of their costs.

### **IDEA Regulations**

The 1997 reauthorization made a number of significant changes in the law, and has been the subject of a lengthy and contentious regulatory development process. The Department of Education plans to publish these regulations in final in early March (publication is being delayed pending final review of the issues). While the NGA did not comment on the proposed regulations issued in October 1997, some individual Governors did. States have been concerned with the fact that, consistent with the law, the extensive and complex regulations do not relieve the States of administrative burden.

In response to over 6,000 comments on the Department of Education's first draft of the regulations, which were published for public comment in October 1997, the Department made an effort across the board to ease the requirements proscribed in the regulations, and to make the regulations easier to understand. For instance, the Department removed the extensive notes they had included in the regulations that tried to clarify the regulatory language. Critics argued that these actually made it more difficult to understand the regulation, and that they had questionable

legal weight. To rectify this problem, in many cases the Department simply incorporated the language in the notes into the regulation itself.

The Department's main changes to the regulations were in the provisions relating to discipline of a disabled student who is violent or troublesome, in what kind of classroom setting to place a child during a dispute over his/her current placement, and the provision of services to students aged 18-21 (discussed below).

It is our understanding that Republican staff believe the regulations, with the Department's adjustments, do an adequate job of addressing their main issues, but they cannot guarantee that some members will refrain from attacking the Administration on discipline or other issues.

*Discipline:* A major provision that was the subject of proposed appropriations riders last year concerns handling discipline for children with disabilities. This may be the lead topic of renewed criticism when the regulations are published; many in Congress and many school systems will believe that the schools are given too little flexibility in addressing disruptive children with disabilities.

The IDEA statute allows school personnel to suspend students with disabilities for up to 10 school days before the suspension is deemed a "change in placement," where a school district is required to reevaluate the educational services provided to the student (determined through the student's Individualized Education Plan, or IEP), and determine whether the student's behavior is a manifestation of their disability.

In the proposed regulation, the Department of Education defined 10 days as meaning 10 cumulative days in a school year rather than 10 consecutive days, which had been the standard in existing regulations. Congressional Republicans and school officials objected to this definition because they felt it would require schools to conduct a much larger number of costly evaluations of disabled students' IEPs (for example, they would now have to reevaluate the IEP if a disabled student was suspended three separate times for four days each in the same school year). As a compromise, the Department agreed to scale back the steps to be taken following the 10<sup>th</sup> cumulative day. In most cases, schools will only need to look at whether and which behavior-related services should be provided to the student. At the same time, the Department retained the 10-consecutive day requirement for a full IEP review, which is not controversial.

*Pendency:* The IDEA statute sets up a hearing process to arbitrate between a parent and a school when there is a disagreement over whether a child's placement should be changed (e.g., from a special education class to a regular education setting). During such a disagreement, the statute requires the child to remain in his/her current placement, unless the school and parent agree otherwise.

The contentious issue in the regulations regarded the placement of the child following the first hearing officer's review and the pending appeal. In the proposed rule, the regulations stipulated that if the hearing officer sided with the placement, then the child would be placed where the parents want them placed; if the hearing office sided with the school, the child would remain in

his/her current placement pending further review. In the public comment, objections were raised that this procedure did not treat parents and schools equally. To compromise, the Department mandated the above process only when the child's case was being heard by a State hearing officer. In all other cases, the child would be placed according to the decision of the first hearing officer pending appeal.

*Services to Students Aged 18-21:* Some States continue to provide special education services to students beyond age 21. In regard to providing special education services to students aged 18-21, the IDEA statute defers to each State's law for educating these students. In the Department of Education's first draft of the regulations pertaining to this provision, it required that graduating students be reevaluated to determine whether additional services should be provided, and provided non-binding guidance that a student would have to graduate with a regular diploma (i.e., not a certificate of attendance) in order for eligibility of services to terminate.

In response to complaints about the regulation's proscriptive graduation policies, the Department changed the regulation to state that students with disabilities do not have to be reevaluated when they graduate with a regular high school diploma, and that they must continue to receive services if they graduate with less than a high school diploma until they reach the maximum age set in State law.

### **Special Education Funding**

Critics, most particularly the Governors, argue that federal funding does not live up to the IDEA statute's commitment that the federal government will provide States with 40 percent of the average per pupil expenditure for each disabled student. In fact, the IDEA makes no such commitment. The statute only limits the maximum grant a State can receive in a year to this 40 percent level. The highest percentage ever reached was 12.5 percent in 1979; 1999 funding should cover about 11.2 percent.

While federal funding for special education State Grants (the primary federal special education program) has increased by \$2.2 billion or 110 percent during this Administration, from \$2.1 billion in FY 1993 to \$4.3 billion in FY 1999, these increases were not requested by this Administration. Congressional Republicans in recent years have seized on IDEA as a defining issue on education, demonstrating their concern for the "mandate" and for the burden placed on States, by providing large annual increases. We believe this pattern will be repeated for FY 2000.

Whatever amount we might proposed for IDEA, the Republicans will always be able to offer more, because they will not, at least initially, fund our other education and training priorities at the levels we seek, such as Title I or the Workforce Investment Act. Instead we argue that we are in fact substantially aiding children with disabilities with many of our other high priority investments. These children benefit from the smaller classes in our Class Size Reduction initiative, from modern school facilities in our School Modernization Bonds proposal, and from our early intervention initiatives such as America Reads and Head Start.

We have also targeted smaller increases toward early intervention programs for specifically for students with disabilities, and to help States take advantage of research on effective practices. The FY 2000 Budget provides a \$116 million increase to special education, targeted in this way.

It should also be noted that the IDEA Amendments of 1997 imposed a “trigger” engaged when federal funding reached \$4.1 billion, allowing an LEA to divert up to 20 percent of their maintenance of effort funding away from special education if the allocation exceeded that of the prior year. Therefore, federal IDEA increases do not increase spending on children with disabilities dollar for dollar.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:26-FEB-1999 18:19:08.00

SUBJECT: RECEIVED: Reminder--comments on Labor draft bill (Hazard Reporting Protection Act

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Reminder--comments on Labor draft bill (Hazard Reporting Protection Act of 1999) ARE DUE  
was successfully received by:

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

at:

02/26/99 06:19:17 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-FEB-1999 10:09:30.00

SUBJECT: Re: revised class size letter -- with reference to ed-flex

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

READ:UNKNOWN

TEXT:

this is not a letter. I think you sent the wrong document.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-FEB-1999 17:59:49.00

SUBJECT: Re: staff secretary

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

READ:UNKNOWN

TEXT:

great; thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-FEB-1999 14:27:16.00

SUBJECT: Class Size Letter

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 02/26/99 02:29  
PM -----

Jennifer M. Palmieri  
02/26/99 01:13:19 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Class Size Letter

I talked to Joe and he supports the Klain/Kagan plan --- leaking class size letter (assuming leg affairs is okay with that) to the Washington Post for Monday and having the VP talk to the Post as a follow-up to his Sunday event.

We would recommend giving the story to Chuck Babington -- the Post's new WH correspondent and former Gore Post-person. Are you Gore people okay with that plan?

Babington is in SFO, so Toiv can talk to him. Please let me know if everyone is okay with this and I will ask BT to connect with Babington.

Thanks, all.

Message Sent

To: \_\_\_\_\_  
Amy Weiss/WHO/EOP  
Elena Kagan/OPD/EOP  
Patricia M. Ewing/OVP @ OVP  
Christopher S. Lehane/OVP @ OVP  
Sara M. Latham/WHO/EOP  
Janet Murguia/WHO/EOP  
Jessica L. Gibson/WHO/EOP  
Richard L. Siewert/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-FEB-1999 10:24:42.00

SUBJECT: Re: We're all square with the leak

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

READ:UNKNOWN

TEXT:

thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-FEB-1999 13:48:37.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

please call elena 65584

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-FEB-1999 14:07:20.00

SUBJECT:

TEXT:

vp to speak to babbington at 4:15; wants you to give letter first

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	Elena Kagan to Bruce Reed re: Charter school conference (partial) (1 page)	02/28/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[02/19/1999 - 02/28/1999]

2009-1006-F  
wr60

### 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:28-FEB-1999 14:41:45.00

SUBJECT: Re: Charter school conference in Denver

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

READ:UNKNOWN

TEXT:

P6(b)(6)

[006]

----- Forwarded by Elena Kagan/OPD/EOP on 02/28/99 02:43 PM -----

Maria Echaveste  
02/25/99 05:47:48 PM  
Record Type: Record

To: Peter Rundlet/WHO/EOP  
cc: Robert B. Johnson/WHO/EOP, Elena Kagan/OPD/EOP, Charles F. Ruff/WHO/EOP, Virginia Apuzzo/WHO/EOP  
bcc:  
Subject: Re: Charter school conference in Denver

Actually I think it would be a good idea if you could attend--I don't know if dpc, counsel or admin can help us here so I'm copying them and asking for help, maybe dept of ed could help. let's see.

Peter Rundlet  
02/25/99 04:44:10 PM  
Record Type: Record

To: Maria Echaveste/WHO/EOP  
cc: Marjorie Tarmey/WHO/EOP  
Subject: Charter school conference in Denver

Maria,

When I met with Norma Cantu last week to discuss a number of education/civil rights issues, she mentioned that there is going to be a conference on charter schools in Denver on March 15-17, at which a number of civil rights issues related to charter schools will be discussed. I went to the conference web page and found a number of the agenda items related to these issues, and I have listed them below.

Given the novel issues that charter schools raise, and old civil rights issues they potentially address, I think it would be very helpful to me and our efforts if I attended some or all of this conference. There is no fee for federal employees, but there would be travel costs.

I don't know how these things generally get approved, but if you agree that this is important, would you approve the travel costs of having me attend? If so, how do I go about making arrangements?

If you don't think it is worth the time or money, that's fine; I just thought there might be some opportunity for us to jointly support our education and civil rights agendas. Please let me know what you think. Some of the agenda topics are listed below:

- General Admissions, Recruitment and Lotteries
- Meeting the Equity Challenge in Charter Schools
- Creating Charter Schools with Diverse Students - Multiracial Charter Schools
- Outreach Efforts To Include Diverse Communities in Charter Schools
- Federal Technical Assistance Resources
- Title I
- Strategies for Success in the Rural School
- Special Education and Charters: School-level Strategies for Making IDEA Work
- Federal Technical Assistance Resources
- Residential Schools and Charters for Homeless Students
- Limited English Proficient (LEP) Issues in Charter Schools
- Charter Schools for At-risk Populations
- Strategies for Success in Urban Settings

Thanks, Peter

----- Forwarded by Peter Rundlet/WHO/EOP on 02/25/99  
02:44 PM -----

Kelly\_Saunders @ ed.gov (Kelly Saunders)  
02/24/99 10:37:24 AM

Record Type: Record

To: Peter Rundlet/WHO/EOP  
cc:  
Subject: Re: Charter school conference in Denver

Peter,

Here's the information. I'll forward the travel information as well. Give me a call if you have any questions.

Kelly  
205-8162

----- Forward Header

Subject: Re: Charter school conference in Denver  
Author: David Berkowitz at WDCF01  
Date: 2/23/99 7:26 PM

Kelly,

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. email	Pager No. (Partial) (1 page)	02/28/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[02/19/1999 - 02/28/1999]

2009-1006-F  
wr60

### RESTRICTION CODES

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

The charter schools conference will take place March 15 - 17 at the Adam's Mark Hotel in Denver. Over 1,000 participants are expected. The majority of the participants will be from charter schools. However, individuals from ED, LEAs, and SEAs will also attend.

An agenda for the charter schools conference is available at <http://www.uscharterschools.org>. One would also register for the conference at this web site. To view the agenda, one would need to register on-line, but it is a self-explanatory process. The topics

for

civil rights-related sessions at the conference include the following: Admissions/Recruitment/Lotteries, Special Education: A Discussion of Charter Schools and Students with Disabilities, Limited English

Proficient

Issues in Charter Schools, Creating Disciplined Environments and Appropriate Policies, and Deregulation Versus Non Regulation: Finding Balance and Accountability (this sessions will include a discussion

of the

effect of existing deseg. plans, court orders and other agreements on charter schools).

I am forwarding to you an e-mail message about travel and hotel accommodations for the conference.

Alex Medler, [REDACTED], and Mikel Morton, [REDACTED] who work in OESE's Charter Schools Office, would have additional information about the conference.

David

Reply Separator

---

Subject: Charter school conference in Denver  
Author: Kelly Saunders at WDCF01  
Date: 2/23/99 1:46 PM

I need information to send to someone in the WH who may be interested in attending. Why don't you stop by to discuss?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-FEB-1999 13:33:50.00

SUBJECT: Re: equal pay

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

READ:UNKNOWN

TEXT:

We're glad to have you play as much as you want.

I agree with everything you said about the timing, and will talk with tom monday to work out a meeting schedule both on data collection and on comp worth (staff, deputies, and principals if need be).

It's amazing to me that they're so willing to give up on an achievable and still significant piece of legislation to make the case for something that will not happen for years (if ever).