

**NLWJC - KAGAN**

**EMAILS CREATED**

**ARMS - BOX 008 - FOLDER 004**

**[3/18/1999 - 4/2/1999]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Jose Cerda re Crime Mapping Meeting [partial] (1 page)	03/22/1999	P6/b(6)
002. email	Elena Kagan to Bruce Reed re Academic Bill of Rights (1 page)	03/24/1999	P6/b(6)
003. email	Elena Kagan to Bruce Reed re Immigration (1 page)	03/26/1999	P6/b(6)
004a. email	Elena Kagan to Eric Angel and Mark Childress re aba attached (1 page)	04/02/1999	P2, P5, P6/b(6)
004b. email attachment	ABA Personal Data Questionnaire (24 pages)	04/02/1999	P2, P5, P6/b(6)

**COLLECTION:**

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

**FOLDER TITLE:**

[03/18/1999-04/02/1999]

2009-1006-F

kc212

### RESTRICTION CODES

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

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- 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]

- 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]

- C. Closed in accordance with restrictions contained in donor's deed of gift.
- PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
- RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 17:28:51.00

SUBJECT: Re: Single Sex Education and Admissions

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

READ:UNKNOWN

TEXT:

thanks. chuck should set something up whenever he wants.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 17:31:24.00

SUBJECT: Re: NEW Update on Arkansas child support

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

READ:UNKNOWN

TEXT:

I love this capital H Him.

----- Forwarded by Elena Kagan/OPD/EOP on 03/18/99 05:32  
PM -----

Maria Echaveste

03/18/99 02:42:01 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP, J.  
Eric Gould/OPD/EOP

bcc:

Subject: Re: NEW Update on Arkansas child support

Very interesting--it is always amazing how if you keep asking questions,  
you keep finding out more. Keep me posted--and I'll just let Him know  
that you all are working on it, and pushing hard on it.

Cynthia A. Rice

03/18/99 02:07:08 PM

Record Type: Record

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

cc:

bcc:

Subject: NEW Update on Arkansas child support

In response to our questions, HHS has discovered an embarrassing (to them)  
fact but one that should help us provide the President a response more to  
his liking: Since 1992, HCFA has been interpreting the same regulation  
differently in Medicaid cases than ACF has been for child support. HCFA  
has been allowing federal match for computer systems without prior  
approval in certain limited circumstances (if the transaction would have  
been approved had prior approval been sought and if the state agrees to  
institute controls to ensure prior approval requirements are met in the  
future.) Rather astounding that they didn't discover this before Kevin  
met with the Governor. Anyway, HHS is pulling together their key people  
now to work through the implications of having a uniform agency wide  
policy (if ACF uses the HCFA rules for Arkansas, they may be subject to  
lawsuits from states they've turned down in the past). We've suggested  
some other possibilities too (using TANF or SSBG funds, spreading payments  
out over 10 quarters) for which they are examining the implications. I'll  
push them and keep you posted. Call me if you'd like to discuss (62846)

Cynthia A. Rice  
03/18/99 12:33:15 PM  
Record Type: Record

To: Maria Echaveste/WHO/EOP  
cc: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Laura Emmett/WHO/EOP, J. Eric Gould/OPD/EOP  
Subject: Update on Arkansas child support

Bruce asked me to send you a note on Arkansas child support. We're finishing a memo to the President but are pushing HHS to come up with some more responsive options.

Here's where things stand.

HHS policy since 1986 has been to deny federal match for contracts for which states have not received prior approval. They have never made an exception -- in fact during the last year, they've taken this position with California, Hawaii, Kansas, Nevada, Pennsylvania, South Dakota, and West Virginia. The contracts under dispute are for child support computer systems. The rationale for requiring federal approval is to ensure the contracted services meet basic programmatic requirements before the federal government commits to pay 66 percent or more of their costs.

Arkansas does not dispute that they didn't submit the contract for federal review early enough. But they've asked that the penalty be reduced or waived. HHS agrees that if the contract had been submitted earlier they would have approved it. However, HHS strongly opposes making an exception, even in this case.

As I said, we are working with HHS to develop some better options ASAP -- we'll send you more on that shortly. One issue to consider: there is apparently an on-going FBI investigation of child support contracts in Arkansas, related to contracts being awarded to members of the state legislature. The Lexis/Nexis search I did pulled up dozens of articles mentioning the investigation, which apparently began in November 1997 with a raid of State Senator Nick Wilson's office. As a result of the publicity surrounding this investigation, the legislature passed and Huckabee has signed into law new ethics rules. However, according to the press, the investigation is on-going, under the direction of US Attorney Paula Casey. I'm not saying that I have any indication that there's a connection between the contracts for which the state didn't see federal approval and this investigation, but I just wanted to flag for you that the issue of child support enforcement contracts in the state is under a great deal of scrutiny right now.

Message Sent

To: \_\_\_\_\_  
Maria Echaveste/WHO/EOP  
Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Laura Emmett/WHO/EOP  
J. Eric Gould/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:18-MAR-1999 17:30:17.00

SUBJECT: RECEIVED: LRM MDH11 - - LABOR Draft Bill on Welfare-To-Work Grant Extension -- Co

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

LRM MDH11 - - LABOR Draft Bill on Welfare-To-Work Grant Extension -- Comments due 10 a.m.,  
was successfully received by:

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

at:

03/18/99 05:29:55 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 17:34:19.00

SUBJECT: Re: helms v.picard

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

READ:UNKNOWN

TEXT:

You don't happen to have them, do you?

By the way, Judy Winston tells me the Secretary is pretty hard over on this issue (even after Judy briefed him on Seth's reasoning), though he has agreed to meet with Seth later this week or early next.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAR-1999 12:42:16.00

SUBJECT: Re: crime spending cuts

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

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

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

TEXT:  
I think that's a great idea.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAR-1999 09:40:25.00

SUBJECT: Re: for the president

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

TEXT:

I don't think there's any way the President will get asked about yesterday's verdict. He may well get asked about losing the recoupment vote in the Senate 71-29, and we'll get you revised q&a reflecting that vote. Also, we'll have revised q&a on patients'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAR-1999 10:23:37.00

SUBJECT: Re: PBOR q&a for 3/18

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

TEXT:

is there some reason why this is formatted like this?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-MAR-1999 08:16:05.00

SUBJECT: Re: Voc-Rehab - WIA Meeting

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/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:20-MAR-1999 08:18:10.00

SUBJECT:

TO: 4184 ( 4184 @ WHCA [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

come by my ww office to get edited guidance when you come in for radio  
address. elena

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAR-1999 07:52:08.00

SUBJECT: Additional budget paper

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

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 03/20/99 07:54 AM -----

Melissa G. Green  
03/19/99 06:43:28 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Additional budget paper

----- Forwarded by Melissa G. Green/OPD/EOP on 03/19/99 06:44 PM -----

Charles R. Marr  
03/19/99 06:32:52 PM  
Record Type: Record

To: Melissa G. Green/OPD/EOP  
cc:  
Subject: Additional budget paper

Melissa -- can you blast email.

These are additional one-pagers on Republican budget:

Urban  
Environment  
Education and Training

Message Sent

To: \_\_\_\_\_  
Joshua S. Gottheimer/WHO/EOP  
Dominique L. Cano/WHO/EOP  
Chandler G. Spaulding/WHO/EOP  
Jonathan A. Kaplan/OPD/EOP

Lael Brainard/OPD/EOP  
HorwitzR @ sec.gov @ INET @ LNGTWY  
Gay L. Joshlyn/OPD/EOP  
Sarah Rosen/OPD/EOP  
Jonathan A. Kaplan/OPD/EOP  
Thomas A. Kalil/OPD/EOP  
Jeanne Lambrew/OPD/EOP  
Sonyia Matthews/OPD/EOP  
Dorothy Robyn/OPD/EOP  
Richard L. Siewert/WHO/EOP  
MITSLER\_E @ A1 @ CD @ LNGTWY  
Charles R. Marr/OPD/EOP  
David J. Sherman/NSC/EOP  
Doris Parker/WHO/EOP  
Malcolm R. Lee/OPD/EOP  
Daniel D. Heath/OMB/EOP  
Brian A. Barreto/OPD/EOP  
Sally Katzen/OPD/EOP  
Dora Kale/NSC/EOP  
Peter A. Weissman/OPD/EOP  
Sharon H. Yuan/OPD/EOP  
Richard M. Samans/OPD/EOP  
Jessica L. Gibson/WHO/EOP  
Mindy E. Myers/WHO/EOP  
Cathy R. Mays/OPD/EOP  
Laura Emmett/WHO/EOP  
Jason H. Schechter/WHO/EOP  
Jennifer M. Palmieri/WHO/EOP  
Jade L Riley/WHO/EOP  
Dario J. Gomez/WHO/EOP  
Heather M. Riley/WHO/EOP  
Maria E. Soto/WHO/EOP  
Ruby Shamir/WHO/EOP  
Dawn L. Smalls/WHO/EOP  
Sara M. Latham/WHO/EOP  
Karen Tramontano/WHO/EOP  
Carolyn T. Wu/WHO/EOP  
Jonathan E. Smith/WHO/EOP  
Tracy Pakulniewicz/WHO/EOP  
Robert L. Nabors/OMB/EOP  
Adrienne C. Erbach/OMB/EOP  
Victoria A. Wachino/OMB/EOP  
Joshua Gotbaum/OMB/EOP  
Sandra L. Via/OMB/EOP  
Janet L. Graves/OMB/EOP  
Elizabeth R. Newman/WHO/EOP  
Alice H. Williams/CEA/EOP  
Michele Jolin/CEA/EOP  
Paul J. Weinstein Jr./OPD/EOP  
Mona K. Sutphen/NSC/EOP  
Rebecca L. Walldorff/WHO/EOP  
Jackson T. Dunn/WHO/EOP  
Cheryl M. Carter/WHO/EOP  
Robin J. Bachman/WHO/EOP  
Lowell A. Weiss/WHO/EOP  
Mona G. Mohib/WHO/EOP  
Richard L. Siewert/WHO/EOP  
Jonathan A. Kaplan/OPD/EOP  
Linda Ricci/OMB/EOP  
Jennifer M. Palmieri/WHO/EOP  
Stacie Spector/WHO/EOP  
Eli G. Attie/OVP @ OVP  
Jessica L. Gibson/WHO/EOP

Brenda M. Anders/WHO/EOP  
Brenda M. Anders/WHO/EOP  
Kris M Balderston/WHO/EOP  
Richard B. Bavier/OMB/EOP  
Marsha E. Berry/WHO/EOP  
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David Belsky/WHO/EOP  
Phillip Caplan/WHO/EOP  
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Michael Deich/OMB/EOP  
Thomas L. Freedman/OPD/EOP  
Diane M. Goldberg/WHO/EOP  
Daniel D. Heath/OMB/EOP  
Nancy V. Hernreich/WHO/EOP  
Eli P. Joseph/WHO/EOP  
Christopher C. Jennings/OPD/EOP  
Elena Kagan/OPD/EOP  
Thomas A. Kalil/OPD/EOP  
Jonathan A. Kaplan/OPD/EOP  
Charles Konigsberg/OMB/EOP  
Karin Kullman/OPD/EOP  
Robert D. Kyle/OMB/EOP  
Jeanne Lambrew/OPD/EOP  
Ann F. Lewis/WHO/EOP  
Jacob J. Lew/OMB/EOP  
Bruce R. Lindsey/WHO/EOP  
Julie E. Mason/WHO/EOP  
Sylvia M. Mathews/OMB/EOP  
Douglas R. Matties/OA/EOP  
Cathy R. Mays/OPD/EOP  
Anne E. McGuire/WHO/EOP  
Anne E. McGuire/WHO/EOP  
Joseph J. Minarik/OMB/EOP  
Linda L. Moore/WHO/EOP  
Kevin S. Moran/WHO/EOP  
Janet Murguia/WHO/EOP  
Alison Muscatine/WHO/EOP  
Bob J. Nash/WHO/EOP  
Kelley L. O'Dell/WHO/EOP  
John Podesta/WHO/EOP  
Ashley L. Raines/OA/EOP  
Bruce N. Reed/OPD/EOP  
Dorothy Robyn/OPD/EOP  
Laura D. Schwartz/WHO/EOP  
Richard L. Siewert/WHO/EOP  
Ronald L. Silberman/OMB/EOP  
Douglas B. Sosnik/WHO/EOP  
Jordan Tamagni/WHO/EOP  
Barry J. Toiv/WHO/EOP  
Michael Waldman/WHO/EOP  
Paul J. Weinstein Jr./OPD/EOP  
Lisa M. Kountoupes/WHO/EOP  
Brian D. Smith/WHO/EOP  
Sara M. Latham/WHO/EOP  
Thomas D. Janenda/WHO/EOP  
Charles R. Marr/OPD/EOP  
Beverly J. Barnes/WHO/EOP  
Barbara D. Woolley/WHO/EOP  
Robert B. Johnson/WHO/EOP  
Cynthia A. Rice/OPD/EOP



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# Republican Budget Shortchanges Urban America

March 19, 1999

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Building on the success of six years of fiscal discipline and the virtuous economic cycle it created, President Clinton has proposed a budget that includes a more than \$3.4 trillion debt reduction lock-box that extends the solvency of Social Security until 2055 and extends Medicare's solvency for more than a decade. It invests in education and a cleaner environment, and a stronger urban America.

To build on the President and Vice President's strong foundation of community empowerment initiatives -- which includes programs to promote greater access to capital and credit, more affordable housing, and spur the creation of private investment and job creation -- the FY2000 budget includes proposals to:

- \_ Expand the Low Income and Housing Tax Credit.
- \_ Make the brownfields tax expensing provision permanent.
- \_ Create Better America Bonds to allow communities to create parks and open spaces.
- \_ Spur private investment in distressed neighborhoods through a new markets initiative.
- \_ Expand the welfare-to-work housing voucher program.

The Republicans have responded with a proposal that puts top priority on a tax cut which explodes in cost and is targeted away from the middle class. Because the tax cut is so large and consumes the entire on-budget surplus, the funds available for critical investments in urban America are squeezed dramatically:

**The Republican budget would require a more than 10 percent cut in 2000 and over 20 percent cut in 2004 unprotected discretionary programs.** This would have a devastating impact on programs critical to our urban areas:

- **The cut to HUD's HOME program would deny tenant-based rental assistance to 1,300 families. Further, funds would be lost for new construction, rehabilitation, or acquisition of over 10,000 affordable housing units.**
- **The Republicans' reductions would wipe out the Administration's proposal of adding 100,000 new housing vouchers, including 25,000 to help move families from welfare to work, 18,000 for the homeless, and 15,000 for extremely low-income elderly.**
- **The Community Development Financial Institutions Fund (CDFI) would be reduced by over \$11 million, with the result that 16 fewer community development institutions (CDFIs) would receive capital funding and 12 fewer financial institutions would receive Bank Enterprise Act grants. By 2004, the Republican budget would reduce CDFI's funding by \$26 million, eliminating federal assistance to 37 CDFIs and 28 commercial CDFI lenders.**

**A low priority in the Republican budget:** Programs critical to urban America would be at risk because of the squeeze on the overall discretionary funds proposed. The assumptions made in the Republican budget resolutions show that programs important to urban America would be a low priority in competition for those funds:

- **The Senate Budget Resolution proposes \$5.3 billion in 2000 for community and regional development, \$3.4 billion or 39.2 percent less than a freeze and \$3.6 billion or 40.7 percent less than the President's budget. This would mean a massive reduction to the Community Development Block Grant Program (CDBG), one of the most popular and flexible sources of funds that mayors and governors use to improve economic opportunity and housing in low-income communities. Thousands of local neighborhood improvement efforts would be jeopardized. Cuts of 40 percent in this set of HUD programs would translate into a loss of assistance to 82,000 homes and loss of support for 114,000 jobs in low-income areas.**

## The Republican Budget: Sacrificing Our Environment and Public Health

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*President Clinton is proposing a record \$33.9 billion in FY 2000 to protect our environment and public health, including major new initiatives to preserve America's lands legacy, combat air pollution and global warming, and help build livable communities for the 21st century.*

*The Republican budget not only fails to fund these environmental priorities, but imposes drastic cuts that would stop toxic waste cleanups, shut down national parks, cripple water quality programs, and heighten the risk of deadly wildfires.*

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*The Republican budget slashes funding for priority domestic programs 12 percent in FY 2000 and 28 percent in 2004. Across-the-board cuts would have these devastating impacts on public health and the environment:*

- ***Stopping 135 Toxic Waste Cleanups*** - The Republican budget would cut Superfund by a total of \$1.5 billion over the next five years, needlessly jeopardizing public health by preventing as many as 135 priority cleanups nationwide -- 92 percent of the federally led cleanups planned.
- ***Shutting Down National Parks*** - Cuts to the National Park Service would reduce services and hours of operation at 378 parks and other facilities serving almost 300 million visitors a year. In FY 2004, \$575 million in cuts would shut down many smaller parks and backcountry areas in larger parks, and jeopardize visitor safety by blocking vital maintenance and repairs.
- ***Squandering Our Lands Legacy*** - By failing to fund the President's Lands Legacy initiative, the Republican budget would block federal efforts to preserve natural treasures, and deny states and communities \$588 million to protect farmland, coastland, urban parks and other green spaces.
- ***Slashing Water and Public Health Protections*** - By FY 2004, cuts to the Environmental Protection Agency would eliminate funding for the Clean Water Action Plan, which helps communities clean up the 40 percent of surveyed waters still too polluted for fishing or swimming; and let polluters off the hook by crippling EPA's ability to enforce public health protections.
- ***Gambling with Global Warming*** - Cuts to the Department of Energy and EPA would gut efforts toward cleaner, more efficient energy for homes, transportation, and industry; and keep the Partnership for a New Generation of Vehicles from meeting its goal of new cars three times more fuel-efficient than today's models by 2004.
- ***Crippling Wildlife Protections*** - Cuts to the Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and Army Corps of Engineers would hamper salmon restoration in the Pacific Northwest, shut down wildlife refuges, and halt efforts to restore endangered species.
- ***Raising the Risk of Deadly Wildfires*** - FY 2000 cuts to the Forest Service and Bureau of Land Management would close some lands to the public and reduce firefighting capabilities. A total of \$700 million in FY 2004 cuts for these two agencies would cripple firefighting capabilities, jeopardizing lives and property throughout the West.

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## Republican Budget

### Shortchanges Education and Training

March 19, 1999

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Building on the success of six years of fiscal discipline and the virtuous economic cycle it created, President Clinton has proposed a budget that includes a more than \$3.4 trillion debt reduction lock-box that extends the solvency of Social Security until 2055 and extends Medicare's solvency for more than a decade. The President's budget continues to place top priority on investments in education, including:

- **Performance Accountability:** \$200 million in Title I to hold States and school districts more accountable for raising student achievement.
- **21st Century Community Learning Centers/After-School and Summer School Programs:** \$600 million for the 21st Century/After-School program, an increase of \$400 million over the FY 1999 level to help schools end social promotion through extended learning time.
- **New Qualified Teachers and Smaller Class Sizes:** \$1.4 billion as the second installment of the President's plan to help schools recruit, hire, and train 100,000 new teachers by 2005 and reduce class size in the early grades.
- **Tax Credits to Build Modern Schools for Our Children.** A centerpiece of the President's tax cut agenda is to provide Federal tax credits to support nearly \$25 billion in bonds to build and renovate public schools at a cost of \$3.7 billion over 5 years.
- **A \$963 Million Three-Part Initiative To Close America's Skills Gap:** 1) \$190 million increase for adult education and family literacy initiative. 2) \$368 Million increase for a universal re-employment initiative. 3) \$405 million increase for a youth employment initiative.
- **Expanding Head Start:** A \$607 million increase that will add 42,000 new slots for young children, including 7,000 Early Head Start slots, for total enrollment of 877,000 and on track to meet the one million participation goal by 2002.

The Republicans have responded with a proposal that puts top priority on a tax cut which explodes in cost and is targeted away from the middle class. Republicans have talked about making education a higher priority, but the actions in this budget are in the other direction. Because the tax cut is so large and consumes the entire on-budget surplus, the funds available for critical investments in education would be squeezed dramatically.

**The Republican budget would require a more than 10 percent cut in 2000 and over 20 percent cut in 2004 unprotected discretionary programs.** This would have a devastating impact on critical education, training, and other programs for children:

- **Head Start** funding would be less than FY 1998 levels, a reduction of \$1.1 billion from the FY 2000 Budget. A reduction of this magnitude would roll back all expansion progress made under the Clinton Administration, cutting services to up to 100,000 children, and making it practically impossible to reach the goal of serving one million children in Head Start by 2002. By 2004, Head Start enrollment would drop below FY 1999 levels by over 230,000 children.
- **Work Study** would be cut by \$106 million from the FY 1999 level of \$870 million, to the lowest level since FY 1996. The number of students served would decrease by 112,000, from 930,000 in FY 1999. If the Republican plan were assumed to continue through FY 2004, over a quarter of a million fewer students (257,000) would have the chance to work their way through college than in FY 1999.

- **TRIO** funding would decrease by \$73 million, from \$600 million in FY 1999. As a result, approximately 117,000 fewer students would receive college preparation and support services in FY 2000 than in FY 1999. By FY 2004, the Republican plan would cut 224,000 disadvantaged students from TRIO programs.
- **GEAR-UP** would be reduced \$15 million, from \$120 million in FY 1999. This funding level would not be sufficient to fund non-competing continuation awards from FY 1999. Approximately 5,900 fewer low-income students would receive early intervention services in FY 2000 than in FY 1999. The Republican plan would further cut GEAR-UP so that more than 36,000 fewer students would receive services in FY 2004 than in FY 1999.
- **Dislocated Worker Assistance** would be cut by \$171 million below FY 1999, denying training, job search assistance, and support services to about 90,200 dislocated workers. In FY 2004, the Republican plan would deny services to over 205,600 dislocated workers.
- About 73,100 **training and summer job opportunities for low-income youth** would be eliminated. In FY 2004, about 166,000 low-income youth would be denied training and summer job opportunities.
- This reduction could terminate **Jobs Corps'** planned 4-center expansion and/or force Job Corps to close 5-6 other centers in 2000. This could eliminate about 5,000 residential training slots for extremely disadvantaged youth in 2000. In 2004, this could result in over 11,000 students being denied the opportunity to participate in Job Corps.
- The **Child Care and Development Block Grant (CCDBG)** would be reduced by \$122 million, eliminating child care assistance for up to 34,000 low-income children. By 2004, the number of children receiving assistance would drop below FY 1999 levels by up to 79,000 children.
- **WIC** funding would be cut to below FY 1995 levels, a reduction of over \$480 million from the FY 1999 level of \$3.9 billion, eliminating nutrition assistance for over 875,000 low income women, infants, and children each month. Furthermore, if the Republican plan were assumed to continue through FY 2004, funding for the program would be reduced by \$1.1 billion below the FY 1999 funding level, cutting approximately 1.9 million participants from the program.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Jose Cerda re Crime Mapping Meeting [partial] (1 page)	03/22/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[03/18/1999-04/02/1999]

2009-1006-F  
kc212

### 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]

[061]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-MAR-1999 12:16:42.00

SUBJECT: Crime Mapping meeting this afternoon at 3pm

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

READ:UNKNOWN

TEXT:

I'm a little confused about what all the attached is; please give me a call about it. The VP is looking for something to do on Thursday, and it might be good to have him make an announcement that helps us to roll out the crime bill. But I'm baffled about what Morley sent me.

----- Forwarded by Elena Kagan/OPD/EOP on 03/22/99 12:17 PM -----

Morley A. Winograd @ OVP

03/22/99 09:29:36 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Fred DuVal/WHO/EOP

Subject: Crime Mapping meeting this afternoon at 3pm

Elena:

the end of this message has an executive summary of the recommendations. I'll try and get you the full list later. Let me know what you think. What about this no money thing?

Morley

----- Forwarded by Morley A. Winograd/OVP on 03/22/99 09:53 AM -----

Pamela Johnson @ npr.gov

03/22/99 07:35:32 AM

Record Type: Record

To: Morley A. Winograd/OVP

cc: jack.fahey @ npr.gov, muller\_j @ al.eop.gov

Subject: Crime Mapping meeting this afternoon at 3pm

Morley -

Re:

Crime Mapping and Data Driven Task Force

Steering Committee Meeting

Monday, March 22, 1999

3 p.m. to 5 p.m

810 Seventh Street, N.W.

Room 3500

Jack Fahey can go over with you - - his number is

P6/(b)(6)

Background: This isn't a speech. You don't need to be there for two hours, but it would be great if you could be there to open the meeting at 3pm and

stay for 30-45 minutes? Unfortunately Ray Fisher is not able to be there today; Jeremy Travis will be representing DOJ and opening the meeting with you. The purpose of this session is to:

- listen to the reports of the three sub-committees
- hear the first cut at recommendations and
- make suggestions on how to strengthen/improve.

After the feedback, the Task Force members will work to strengthen them, make sure that they are thoroughly thought through and vetted over the next several weeks.

Since you put forward three questions as the "Morley test" at the kick-off event, that should make your role easier at this meeting:

Talking Points:

- \* Thank the sub-committees for their work so far.
  - \* Revisit the "Morley test"
  - \* Will this recommendation:
    - promote the shift to more effective 21st century law enforcement?
  - \* make a positive difference for communities?
  - \* help reduce and prevent crime?
- \* FYI:
- \* There are some really important recommendations, here, that will forever change government, for example:
    - \* Supporting a more strategic role for US Attorneys - - this supports a direction that Justice is moving in and makes it explicit.
    - \* Creation of a National Public Safety Information Infrastructure - - this could not only support law enforcement and emergency response nationwide but also accelerate the development of the foundation for the geographic information that every community needs and wants. Jack, Katie and the Dept of Interior are all excited about the potential for this. And I have spoken to Tom Kalil who is also quite interested.
  - \* Shift performance measures for federal law enforcement agencies to more focused on outcomes.
  - \* Training of federal law enforcement in the use of GIS - - it is clear from the work of the Task Force that the Feds are lagging behind the locals on this - although Justice is working on this.
  - \* Using Distance learning is really new for Justice - - Lynn has gotten them in touch with her cybercast network and they have found some additional great resources.
- \* What isn't in the package that you may want to raise:
- \* Not all the recommendations are included, privacy is a big one that isn't finished yet and needs to be in the final package.
  - \* The recommendations are directed more at long term change - - and probably as they stand won't have an immediate impact on crime. Interestingly - - there is no formal or informal way that I have found for Justice to have a strategic discussion with police officials in cities that are having problems reducing their crime rate.
  - \* There are lots of data questions that will be included in the final package.
  - \* Funding issues will be addressed after the Steering Committee - - the rule from OMB is, however, no new money.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-MAR-1999 13:45:04.00

SUBJECT: Re: Workforce Investment Act

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

TEXT:  
is there an event in here someplace?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-MAR-1999 10:23:46.00

SUBJECT: Msg Mtg

TO: Christopher L. Bell ( CN=Christopher L. Bell/OU=NSC/O=EOP @ EOP [ NSC ] )

READ:UNKNOWN

TEXT:

can you go to this? I have another meeting, and I think this will primarily be about Medicare.

----- Forwarded by Elena Kagan/OPD/EOP on 03/22/99 10:25 AM -----

Tracy Pakulniewicz

03/22/99 10:14:00 AM

Record Type: Record

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

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

Subject: Msg Mtg

Loretta Ucelli would like to hold a meeting to discuss messages for the through next week today at 3 p.m. in the GF/WW.

Thank you.

Message Sent

To:

---

Karen Tramontano/WHO/EOP  
Jeffrey A. Forbes/WHO/EOP  
Jennifer M. Palmieri/WHO/EOP  
Janet Murguia/WHO/EOP  
George G. Caudill/WHO/EOP  
Joshua S. Gottheimer/WHO/EOP  
Glyn T. Davies/NSC/EOP  
Kris M Balderston/WHO/EOP  
Minyon Moore/WHO/EOP  
Mary E. Cahill/WHO/EOP  
Elena Kagan/OPD/EOP  
Jonathan A. Kaplan/OPD/EOP  
Robin J. Bachman/WHO/EOP  
Charles M. Brain/WHO/EOP

Message Copied

To:

---

Carolyn T. Wu/WHO/EOP  
Heather M. Riley/WHO/EOP  
Mindy E. Myers/WHO/EOP  
Jocelyn A. Bucaro/WHO/EOP  
Stacie Spector/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-MAR-1999 12:01:50.00

SUBJECT: FAA scheduling request

TO: Ron Klain ( CN=Ron Klain/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

Do you guys want to do this? I asked Mary Smith of our staff to check in with David Beier before we put in any formal scheduling request. It seems like a good event for the VP.

----- Forwarded by Elena Kagan/OPD/EOP on 03/22/99 12:03 PM -----

Mary L. Smith  
03/22/99 10:40:29 AM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP  
cc: Laura Emmett/WHO/EOP, Karin Kullman/OPD/EOP  
Subject: FAA scheduling request

Attached is the scheduling request for the President to announce the award of contracts to manufacture more than 150 new FAA-certified explosive detection devices for installation at airports throughout the United States. Bruce had told me to bounce this idea off Sosnik who was interested in the event (although it might be a better VP event.) Do you all want to submit this as a possible event? Transportation keeps calling to inquire whether we are going to do this or not, because, if not, they would like to announce the award of these contracts soon. Let me know, Mary

----- Forwarded by Mary L. Smith/OPD/EOP on 03/22/99 10:38 AM -----

Mary L. Smith  
03/16/99 07:29:24 PM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP  
cc: Laura Emmett/WHO/EOP, Karin Kullman/OPD/EOP  
Subject: FAA scheduling request

Here is the scheduling request for the President to announce the award of contracts to manufacture more than 150 new FAA-certified explosive detection devices for installation at airports throughout the United States. While this is part of an ongoing effort to strengthen airport security since the Gore Commission report came out in 1996, neither the WH nor DOT has ever done an event on it. Are you OK with submitting this? Let me know, Mary

---

ACCEPT       REJECT       PENDING

---

TO: Stephanie Streett

FROM: Bruce Reed

REQUEST: For the President to announce the award of contracts to manufacture more than 150 new FAA-certified explosive detection devices for installation at airports throughout the United States.

PURPOSE: To amplify the President's commitment to airport security and to help combat terrorism in our Nation.

BACKGROUND: In 1996, the White House Commission on Aviation Safety, led by Vice President Gore, recommended that the FAA purchase innovative security equipment to help insure the safety of the flying public. This announcement would be the purchase of 21 FAA-certified explosives detection systems and 135 trace explosives detection devices, which add to the multi-year deployment of innovative security equipment recommended by the Commission. In FY99, FAA has \$100 million to continue this deployment, and the President requested \$100 million in his FY2000 budget.

PREVIOUS PARTICIPATION: None.

DATE AND TIME: March or early April

BRIEFING TIME: 10 minutes.

DURATION: 30 minutes.

LOCATION: Roosevelt Room.

PARTICIPANTS: The Vice President  
Secretary Rodney Slater  
FAA Administrator Jane Garvey

Senators Lautenberg and Boxer and others  
Airline CEO's, equipment manufacturers, and members of  
the aviation and airport industry.

OUTLINE OF EVENTS: Remarks by participants.

REMARKS REQUIRED: To be provided by speechwriting.

MEDIA COVERAGE: Open press.

FIRST LADY'S  
ATTENDANCE: No.

VICE PRESIDENT'S  
ATTENDANCE: Yes.

SECOND LADY'S  
ATTENDANCE: No.

RECOMMENDED BY: As indicated above.

CONTACT: Karen Kullman 6-5165.

ORIGIN OF PROPOSAL: Domestic Policy Council.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-MAR-1999 10:24:40.00

SUBJECT: Msg Mtg

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

TEXT:

Can you go to this? I have another meeting, and I think this will primarily be about Medicare.

----- Forwarded by Elena Kagan/OPD/EOP on 03/22/99 10:26 AM -----

Tracy Pakulniewicz  
03/22/99 10:14:00 AM  
Record Type: Record

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

Loretta Ucelli would like to hold a meeting to discuss messages for the through next week today at 3 p.m. in the GF/WW.

Thank you.

Message Sent

To: \_\_\_\_\_  
Karen Tramontano/WHO/EOP  
Jeffrey A. Forbes/WHO/EOP  
Jennifer M. Palmieri/WHO/EOP  
Janet Murguia/WHO/EOP  
George G. Caudill/WHO/EOP  
Joshua S. Gottheimer/WHO/EOP  
Glyn T. Davies/NSC/EOP  
Kris M Balderston/WHO/EOP  
Minyon Moore/WHO/EOP  
Mary E. Cahill/WHO/EOP  
Elena Kagan/OPD/EOP  
Jonathan A. Kaplan/OPD/EOP  
Robin J. Bachman/WHO/EOP  
Charles M. Brain/WHO/EOP

Message Copied

To: \_\_\_\_\_  
Carolyn T. Wu/WHO/EOP  
Heather M. Riley/WHO/EOP  
Mindy E. Myers/WHO/EOP  
Jocelyn A. Bucaro/WHO/EOP  
Stacie Spector/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-MAR-1999 19:25:20.00

SUBJECT:

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

TEXT:  
check out potus comment on antibiotics!!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-MAR-1999 13:03:02.00

SUBJECT: Re: Nursing Homes

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

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

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

CC: sarah a. bianchi ( CN=sarah a. bianchi/O=ovp @ ovp [ OVP ] )  
READ:UNKNOWN

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

TEXT:  
i think we'll know better by the end of the day.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-MAR-1999 13:59:58.00

SUBJECT: Re: Workforce Investment Act

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

READ:UNKNOWN

TEXT:

sounds good.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 22-MAR-1999 13:20:00.00

SUBJECT: Re: Single Sex Education and Admissions

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

READ: UNKNOWN

TEXT:

fyi. definitely some things to talk over here.

----- Forwarded by Elena Kagan/OPD/EOP on 03/22/99 01:22  
PM -----

Edward W. Correia

03/18/99 12:44:13 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Charles F. Ruff/WHO/EOP, Peter Rundlet/WHO/EOP

Subject: Re: Single Sex Education and Admissions

You asked me where the agencies are on single sex and college admissions. On the single sex issue, ED is delaying action on all three tracks -- the NYC Leadership School investigation, their modifications to Title IX regs, and their response to Hutchinson's amendment -- until it receives legal and policy guidance. They asked OLC for its views and OLC has been analyzing the constitutional issues for several months. As I mentioned, Chuck would like to meet on both this and the admissions issue with a group similar to the one at the earlier meeting -- DOJ (I suppose including OLC) as well as ED's General Counsel and anyone else you want to include.

On college admissions, the main investigation is the University of California law school. OCR's drift seems to be against a formal complaint, either administrative or judicial, though the possibility remains that there could be some type of voluntary settlement. That, in turn, could (and in my view probably would) be viewed as a broader statement of administration policy on the use of standardized tests in admissions. It is worth discussing alternatives to enforcement action, such as elevating the Administration's message to encourage a more individualized approach to admissions. On a related issue, the recent case involving the NCAA's Prop. 16 standard will be appealed to the Third Circuit. We have the opportunity to file an amicus on two issues -- the coverage of the NCAA under Title VI and the challenge to the standardized test. I think the first issue is easy -- we should get involved -- the second issue is much harder. That is worth discussing, too.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:22-MAR-1999 12:32:42.00

SUBJECT: RECEIVED: Reminder--comments on Labor testimony on OSHA (LRM MNB30) ARE DUE

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

TEXT:  
RETURN RECEIPT

Your Document:  
Reminder--comments on Labor testimony on OSHA (LRM MNB30) ARE DUE  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/22/99 12:34:21 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-MAR-1999 13:25:13.00

SUBJECT: Re: Roundtable Participants at Equal Pay Event on April 7

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

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

TEXT:  
looks good

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 22-MAR-1999 14:00:50.00

SUBJECT: Re: Workforce Investment Act

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

READ: UNKNOWN

TEXT:

fyi

----- Forwarded by Elena Kagan/OPD/EOP on 03/22/99 02:03  
PM -----

Cynthia A. Rice

03/22/99 01:57:09 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

bcc:

Subject: Re: Workforce Investment Act

I've pushed this question too and found nothing newsworthy. The rule faithfully implements the statute, but doesn't break policy ground worth noting -- all the issues are really quite technical. Lots of good government implementation stuff but nothing worth highlighting.

But I do think there's a possible event for May or June around the approval of the first state plan -- could go to a site and do a ribbon cutting, push for some of our employment budget initiatives (Jeffords-Kennedy or perhaps Welfare to Work). Probably a VP event. Schnur has been somewhat involved (primarily checking out the community college angle) and this is on his possible event radar screen. DOL will get the first state plans in April and will have up to 90 days to review them.

Elena Kagan

03/22/99 01:43:57 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Re: Workforce Investment Act

is there an event in here someplace?

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:22-MAR-1999 19:32:53.00

SUBJECT: RECEIVED: Food Stamp caseloads

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

TEXT:  
RETURN RECEIPT

Your Document:  
Food Stamp caseloads  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/22/99 07:33:49 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-MAR-1999 12:34:55.00

SUBJECT: Fwd: Academic Bill of Rights Is Sought

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/23/99 12:37  
PM -----

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

03/23/99 10:16:29 AM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc: Elena Kagan/OPD/EOP

Subject: Fwd: Academic Bill of Rights Is Sought

High Price, leading us again. I'll bet you dinner the President likes this. And

I'll bet you a vacation that no one every gave him an opportunity to DECIDE whether he likes it.

You see? I am resolute in lack of diplomacy. Feel free to forward to Podesta.

>Date: Mon, 22 Mar 1999 17:09:59 -0500

>Subject: Academic Bill of Rights Is Sought

>Sender: mkennedy@sover.net

>To: edley@law.harvard.edu,

> mzanger@delphi.com,

> thaywood@lynx.neu.edu

>From: mkennedy@sover.net

>

><http://www.nytimes.com/aponline/a/AP-Minority-Standards.html>

>

> March 22, 1999

>

> Academic Bill of Rights Is Sought

>

> Filed at 3:55 p.m. EST

>

> By The Associated Press

>

> WASHINGTON (AP) -- Minority children, who often attend  
> poor or struggling schools, could suffer under new efforts to  
> make schools more accountable for their students'  
> performance, some civil rights leaders say.

>

> President Clinton's education proposals, which include tying  
> a child's promotion or graduation to rigorous testing, should  
> include plans to fix city schools and provide better teachers

> there, said Hugh B. Price, National Urban League president.  
>  
> The civil rights organization has called for an academic bill of  
> rights that would require school districts to prove they are  
> giving minority children an equal education before adopting  
> such test-based promotion plans.  
>  
> ``Accountability begins with quality,'' Price said. ``Few  
> urban districts can claim that the key ingredients are available  
> to all students, especially low-income minority pupils.''  
>  
> Advocates for minority children have long complained that  
> high-stakes testing and other changes rarely address the real  
> needs of children: more qualified teachers, better equipped  
> classrooms, stronger courses and more money in general.  
>  
> Education Department officials say their proposals to change  
> federal law to push for accountability will include money and  
> support to target minority areas.  
>  
> Some states, such as Texas and Ohio, have resisted the idea  
> of excluding minority children from tests, arguing that all  
> students should be held to the same higher standards.  
>  
> Studies show schools with high minority enrollments are  
> more likely to have less-experienced teachers and older  
> equipment, as well as lower test scores. Many, especially  
> black children, are also more likely than white children to  
> have low birth weights, poor health care and come from  
> impoverished families, all factors that usually hinder learning  
> ability.  
>  
> Memphis City Schools Superintendent Gerry House says the  
> district, which is 85 percent minority, holds all children to  
the  
> same standards, but also recognizes that many children don't  
> have computers at home or parents who read to them, so it  
> set up after-school programs to compensate.  
>  
> ``We must not literally or figuratively fail our children  
> because it's easier than recognizing our own failures,'' said  
> House.  
>  
> New standards should aim to rid poor schools of low-level  
> courses and programs, said Vinetta C. Jones of the College  
> Board, who noted that many high-school math courses in  
> schools with poorer students don't emphasize algebra or  
> calculus.  
>  
> Budgets and grants computed from lower property taxes and  
> census undercounts mean less money for poor communities,  
> said Wade Henderson, director of the Leadership  
> Conference on Civil Rights, a civil rights law watchdog  
> group.  
>  
> ``We need to compensate for years of deprivation,'' said  
> Henderson.

-----  
>Michael Kennedy or Anne Wheelock  
>Brattleboro, Vermont ---- mkennedy@sover.net  
-----

>Anne divides her time between Brattleboro and Boston. Please CC replies  
>to her messages to her Boston e-mail address ---- wheelock@shore.net.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:23-MAR-1999 07:42:16.00

SUBJECT: RECEIVED: Need Clearance: Draft Supplemental SAP for House Rules Committee

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Need Clearance: Draft Supplemental SAP for House Rules Committee  
was successfully received by:

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

at:

03/23/99 07:42:05 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-MAR-1999 17:51:04.00

SUBJECT: Re: hi

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

READ:UNKNOWN

TEXT:

so you can do this from home,huh? thanks for the chat this afternoon;  
only 14 hours to go!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-MAR-1999 20:08:17.00

SUBJECT: Re: WSJ Op-Ed

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

TEXT:  
good, thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAR-1999 16:02:32.00

SUBJECT: Re: Charter School Meeting

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

TEXT:

is this our meeting (i.e., do we get to run it?)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAR-1999 11:25:51.00

SUBJECT: Re: good welfare to work stories

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

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

TEXT:

Let's do that. Please get a good copy of the article (i.e., not off  
lexus). thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 03/24/99 11:27  
AM -----

Bruce N. Reed  
03/24/99 10:55:54 AM  
Record Type: Record

To: Andrea Kane/OPD/EOP  
cc: Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP, J. Eric Gould/OPD/EOP  
Subject: Re: good welfare to work stories

Those are terrific. We should think about sending the Economist story in  
with our weekly.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:24-MAR-1999 11:23:04.00

SUBJECT: RECEIVED: Need Clearance: Draft Floor SAP for Supplemental bill

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Need Clearance: Draft Floor SAP for Supplemental bill

was successfully received by:

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

at:

03/24/99 11:25:35 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 24-MAR-1999 15:37:45.00

SUBJECT: President Clinton Nominates J. Rich Leonard, Marsha J. Pechman, Carlos Murguia,

TO: Janet Murguia ( CN=Janet Murguia/OU=WHO/O=EOP @ EOP [ WHO ] )

READ: UNKNOWN

TEXT:

Your brother??? If so, congratulations.

----- Forwarded by Elena Kagan/OPD/EOP on 03/24/99 03:39 PM -----

Jason H. Schechter  
03/24/99 03:30:48 PM  
Record Type: Record

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

cc:

Subject: President Clinton Nominates J. Rich Leonard, Marsha J. Pechman, Carlos Murguia, and William Haskell Alsop to the Federal Bench

THE WHITE HOUSE

Office of the Press Secretary

For Immediate  
Release  
March 24, 1999

PRESIDENT CLINTON NOMINATES J. RICH LEONARD, MARSHA J. PECHMAN, CARLOS MURGUIA, AND WILLIAM HASKELL ALSUP TO THE FEDERAL BENCH

The President today nominated J. Rich Leonard to the U.S. District Court for the Eastern District of North Carolina, Marsha J. Pechman to the U.S. District Court for the Western District of Washington, Carlos Murguia to the U.S. District Court for the District of Kansas, and William Haskell Alsop to the U.S. District Court for the Northern District of California.

Judge J. Rich Leonard, of Raleigh, North Carolina, has been a Judge on the United States Bankruptcy Court for the Eastern District of North Carolina since 1992. Prior to this appointment, he was the Clerk of Court from 1979 to 1992 and a U.S. Magistrate Judge from 1981 to 1992 for the U.S. District Court for the Eastern District of North Carolina. In addition, he has served as an Adjunct Professor at the University of North Carolina School of Law in 1995 and at North Carolina Central University School of Law from 1985 to 1986 and 1995 to 1997. Judge Leonard received a B.A. in 1971 and a M. Ed. in 1973 from the University of North Carolina at Chapel Hill, and a J.D. in 1976 from Yale Law School. Following law school, he clerked for the Honorable F.T. Dupree, Jr. of the Eastern District of North Carolina from 1976 to 1978 and was an associate with the firm of Sanford, Adams, McCullough & Beard from 1978 to 1979.

Judge Marsha J. Pechman, of Seattle, Washington, has been a judge on the King County Superior Court since 1988. Prior to this appointment, she was an associate and partner with the firm of Levinson, Friedman,

Vhugen, Duggan, Bland & Horowitz from 1981 to 1988. Judge Pechman previously held several academic appointments, including Clinical Professor and Director of the Law Practice Clinic with the University of Puget Sound School of Law from 1986 to 1987, Instructor and Staff Attorney with the University of Washington School of Law from 1979 to 1981, and Adjunct Professor at the University of Washington School of Law from 1983 to 1987. From 1976 to 1979, she served with the King County Prosecutor's Office as a Deputy Prosecutor. Judge Pechman received her B.A. in 1973 from Cornell University and her J.D. in 1976 from Boston University.

Judge Carlos Murguia, of Kansas City, Kansas, has served as a judge on the Wyandotte County District Court since 1990. He previously served as a full-time Hearing Officer in 1990, a part-time Hearing Officer and judge pro tem from 1984 to 1990, and a part-time Small Claims Court Judge from 1984 to 1990 for the Wyandotte County District Court. In addition, Judge Murguia coordinated the Immigration Amnesty Program with El Centro, Inc. from 1985 to 1990,

-more-

and was an associate with Zeigler Legal Services from 1982 to 1985. Judge Murguia received his B.S. in 1979 and his J.D. in 1982 from the University of Kansas.

Mr. William Haskell Alsup, of Oakland, California, has practiced with the firm of Morrison & Foerster, L.L.P. as an associate and a partner from 1973 to 1978 and from 1980 to the present. He has also served as Special Counsel to the Antitrust Division of the U.S. Department of Justice from 1998 to the present; as an Assistant to the Solicitor General of the United States from 1978 to 1980; and as an attorney with the firm of Pyles & Tucker from 1972 to 1973. Mr. Alsup received his B.S. in 1967 from Mississippi State University and his J.D. in 1971 from Harvard Law School. Following law school, he clerked for the Honorable William O. Douglas of the U.S. Supreme Court.

30-30-30

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## IN A 21st CENTURY FINANCIAL MARKETPLACE

*March 18, 1999 -- First Draft*

A revolution in technology and increased competition in financial services give Americans more numerous and complex financial choices than ever before. Consumers should have the tools to profit from these new opportunities and protection from new abuses. Certainly, many consumers already benefit from this financial revolution -- they have greater access to credit, can comparison shop for mortgage rates on the Internet, and use credit cards to earn frequent flyer miles. But new products have brought new risks and new opportunities for predatory practices. We must update our consumer protection laws and practices to adapt to a changing marketplace.

### THE CLINTON-GORE PLAN

Today, President Clinton unveiled a package of legislative proposals and executive actions to protect consumers and their privacy in the new economy. It is based on five principles: (1) Protect financial privacy; (2) Expand the consumer's right-to-know; (3) Prevent fraud and abusive practices; (4) Expand access to financial services; and (5) Educate consumers and improve financial literacy. The following proposals were among those announced.

### PROTECT FINANCIAL PRIVACY

Vice President Gore has led the Administration's efforts to identify needed privacy protections. He understands that consumers value the privacy of financial and credit records, second only to medical privacy. Yet a technological revolution is now making it possible and profitable to use financial data in ways never possible before. Existing law allows a bank, broker, or insurance company to share information with a third party or their own affiliate about your transactions (account balances, who you write checks to, how much, insurance payments, stock purchases, etc.). Most consumers would be shocked to learn that the law treats this information as belonging to the bank -- not to the consumer. Moreover, with the increasing number of insurance companies and banks merging, the banks now have access to some consumer medical records. A consumer who undergoes a physical exam to obtain insurance should not have to fear that the information could be used to lower their credit card limit or deny them a mortgage. The Clinton-Gore Administration says that:

- **Consumers must be told what information an institution would share or sell, when, to whom, and for what purposes;**
- **Consumers must be given the right to "opt out" -- the right to say "NO" to the sharing of their information; and**
- **Consumers' medical information simply should not be sold or shared among affiliates in a financial conglomerate.**

### EXPAND THE CONSUMER'S RIGHT-TO-KNOW

In 1998, consumers received nearly 4 billion credit card solicitations. With credit card companies competing to get attention, new terms and conditions are being offered. While lower rates and new features are providing consumer benefits, there are numerous new traps for the unwary. Consumers complain most frequently about misleading low "teaser rates" and unexpected interest rate hikes. In addition, card companies have lowered minimum payment requirements, leaving some consumers

unaware how little progress, if any, they are making on repaying their debt. The Clinton-Gore Administration would:

- **Require that any marketing of “teaser” rates for credit cards include equally prominent disclosure of the expiration date of the rate and the eventual annual percentage rate.**
- **Require clear and conspicuous notice of how long and how costly repayment would be if the consumer makes only the minimum payment.**

Consumers also are frustrated with ATM surcharges -- fees charged by the ATM provider in addition to what the bank charges per transaction. Consumers can vote with their feet, but once a transaction is begun few want to stop and go elsewhere. While many ATM networks require disclosure of the surcharge on both the face of the machine and the terminal screen, not all ATMs have the dual disclosure and the requirements are not legally enforceable. The Clinton-Gore Administration would:

- **Require clear and conspicuous disclosure of ATM surcharges on both the machine and the terminal screen.**

## **PREVENT FRAUD AND ABUSIVE PRACTICES**

Once, stealing another's identity required fraudulent documents, but today the use of another's personal identification information (e.g., social security numbers and credit cards) can be sufficient to commit fraud. Last October, Congress passed and the President signed the Identity Theft and Assumption Deterrence Act. The Clinton-Gore Administration will:

- **Launch a vigorous enforcement, education, and prevention strategy to combat identity theft, led by the Treasury Department, with Justice other agencies.**

## **EXPAND ACCESS TO FINANCIAL SERVICES**

Too many Americans cannot afford, or do not have access to, basic banking services. To expand access, the Clinton-Gore Administration will:

- **Provide basic electronic banking accounts for federal benefit recipients, providing them with a low-cost, yet safe and sound place to deposit and save money. Treasury would pay to establish low-fee accounts for federal benefit recipients.**

## **EDUCATE CONSUMERS AND IMPROVE FINANCIAL LITERACY**

The daunting complexity of financial products and choices increases the importance of consumer financial education. President Clinton today **directed the National Economic Council to convene a high level interagency group to prepare a plan to raise financial literacy and expand the Administration's commitment to consumer financial education.**

## **B. SPECIFIC PROPOSALS**

This section provides a short summary of the entire package of proposals. (All items require legislation unless otherwise noted.)

### **1. Protecting financial privacy**

- **Expand notice and opt-out requirements to cover all credit information:** *We would expand protection of consumers' credit records under the Fair Credit Reporting Act (FCRA), by requiring customer notice and opt-out choice before an organization can share transaction or experience information with a third party or an affiliate. (Currently, notice and opt-out is only required before sharing non-transaction information (e.g., credit report or application information).)*
- **Prevent use of medical information for credit decisions or other purposes:** *With the growing number of mergers between insurance and financial services firms, lenders and brokers potentially have access to private medical information. We would prohibit the sharing of medical information, such as that gathered from health or life insurance records, within financial services conglomerates (e.g., between banking and insurance affiliates).*
- **Monitor Bank Compliance with FCRA.** Currently, bank regulators may not examine for compliance, but must wait for a consumer complaint. We would provide regulators with broader authority to monitor compliance. (We supported the same last year.)

### **2. Expanding disclosure**

#### **a. Credit Cards**

**Prevent Misleading Credit Card Marketing of "Teaser" Rates.** One of the most frequent consumer complaints is that they had not understood marketing materials on credit card interest rates and were shocked when rates skyrocketed. We would require that any marketing of "teaser" rates for credit cards include equally prominent disclosure of the expiration date of the rate and the eventual APR rate. ~~Such disclosures~~ Similar considerations are already required reflected in disclosures for closed-end credit. [closed end credit requires APR disclosure of blended rate, not both]

**Require Credit Card Minimum Payment Disclosures.** In recent years, credit cards have lowered minimum payments, leaving some consumers unaware how little progress they are making on repaying their debt. As proposed in last year's

bankruptcy legislation, we would require clear and conspicuous notice of how long and how costly repayment would be if the consumer makes only the minimum payment.

**Require “Surgeon General’s Warning” With Credit Cards.** Few lenders now make an individual assessment of whether a debtor has the capacity to repay (current income versus current expenses) before extending new lines of credit, relying instead upon statistical models that predict likelihood of repayment from credit scores and other characteristics. As proposed in last year’s bankruptcy legislation, we would require that lenders notify customers that the consumers need to assess whether they can afford to repay additional credit and provide a simple worksheet to assist consumers in determining how much debt they can afford to repay.

**b. Banks**

**Provide Enforcement “Teeth” for Rules on Bank Sale of Non-Deposit Products.** Under current bank regulator guidelines, banks that sell non-deposit products (e.g., insurance) must disclose that those products are not federally insured. However, regulators have limited authority to enforce these guidelines. We would statutorily mandate disclosure and give regulators the authority to take enforcement actions against violators.

**c. Rent-to-Own Companies**

**Disclosures and Other Requirements for Rent-to-Own Products.** The attraction of obtaining furniture, appliances, and other products with little down has led to the rapid growth of rent-to-own firms; but some consumers do not realize that under these arrangements they can pay many times the value of a product. The FTC is near completion of a study of the rent-to-own industry. We would support their findings, including, at a minimum, requiring basic disclosures of whether a product is new or used and what the product’s total cost would be under the contract. In addition, we will work with states to ensure that any federal rules do not interfere with state consumer protection efforts.

**d. ATMs**

**Mandate ATM Surcharge Disclosures.** *Many consumers will shop to avoid ATM surcharges or pay less. Posted disclosure of surcharge fees on the machine allows consumers to make a decision before the transaction begins, but current law only requires that a disclosure be posted either on the machine or the screen during the transaction. While most networks now require members to post fee notices in both places, we would require this of all ATM owners making it legally enforceable.*

e. **Mortgages**

**Expand Disclosures for High LTV Mortgages.** Increasingly, consumers with high credit card debts are being offered second mortgages to consolidate their debts, extend the time for repayment, and reduce the interest rate. These mortgages can result in debt levels of more than 125% of the home's value. Consumers may not understand the consequences of these refinances, especially that the failure to repay these consumer debts could lead to ~~losing~~losing their home; and recent studies show that many such homeowners promptly incur new consumer credit debts. We would require that the lender on high loan-to-value second mortgages disclose that: (1) interest payments may not be deductible; (2) the consumer may be unable to resell the house unless they can repay the entire loan amount; and (3) default will result in foreclosure.

**Improve and Streamline Mortgage Disclosures under Truth-in-Lending Act (TILA) and the Real Estate Settlement Procedures Act (RESPA).** In July 1998, the Board of Governors of the Federal Reserve (Board) and the Department of Housing and Urban Development (HUD) released a Congressionally-mandated study of how best to streamline the statutory disclosure requirements for mortgage loans and settlement services, with the goal of simplifying and improving the quality of information provided to consumers to enhance their ability to shop and increase competition. The report calls for a series of statutory reforms to RESPA and TILA to make the information provided to consumers more reliable, more timely, and more helpful in comparison shopping for all the services required to finance a home. We would adopt the HUD-Board recommendations.

- ***Ban Coercive Sales of Insurance Products.*** *Mortgage lenders increasingly offer "credit life" insurance designed to ensure repayment of the mortgage in the event of the borrower's death or injury. The economic value to the consumer of these products is dubious. Moreover, there are widespread reports of coercive sales, i.e., lenders implying that a loan decision will be made or made more quickly if the insurance is acquired. Required disclosures appear to be ineffective at deterring such fraud. The HUD-Board report recommended prohibiting the advance collection of lump-sum insurance premiums, so that consumers may pay premiums periodically and can terminate the insurance at any time, and so loan termination automatically cancels both coverage and liability for insurance payments. In addition, we would ban solicitation of credit life insurance during the pendency of a credit application.*

### 3. Combat fraud against consumers

- **Fully Implement FTC-HELP and Consumer Sentinel.** The Year 2000 will be the first year of operation for FTC's toll-free consumer hotline, part of the Commission's Consumer Response Center. The hotline will give consumers fast and easy access to information they need to protect themselves -- from tips about credit and debt collection to advice on how to avoid becoming a victim of fraud. Complaints to the hotline become part of the Consumer Sentinel, the FTC's fraud database, which is shared only with other law enforcers in the U.S. and Canada. By 2000, the Consumer Sentinel database is expected to be a primary tool in the fight against consumer fraud. (Included in FY00 budget)
- **"Identity Theft" Enforcement Initiative.** Last year, Congress enacted new laws barring the use of another's identifying information. The Treasury Department, in coordination with the Justice Department and regulatory agencies, will undertake a vigorous enforcement and prevention strategy to combat identity theft. ***[Need additional details from Treasury enforcement.]*** (Does not require legislation.)
- **Ban "Pretext Calling."** Widespread reports of private investigators and data brokers tricking financial institutions into providing confidential customer information led Chairman Leach to introduce legislation to end the practice. We support the Senate version of the Leach bill, as we did in the 105<sup>th</sup> Congress. **[FYI: We strongly prefer the version marked as marked up by the House Commerce Committee as opposed to the House and Senate Banking Committee versions, the latter require us to meet a high standard of proof including intent, which means we would not likely use the new law at all because the FTC Act unfair and deceptive trade practice authority does not impose such high standards.]**
- **Limit Consumer Liability for Non-PIN Protected Debit Cards.** "Off-line debit cards" differ from on-line debit cards (a.k.a. ATM cards) because a customer authenticates the transaction by signing a paper slip (as with a credit card purchase) rather than entering a PIN. This creates a greater risk of unauthorized transactions through forged signatures. Card issuers have been encouraging consumers to use them instead of checks and replacing existing ATMs with cards with off-line features. Yet these debit cards only provide the lesser protections of other debit cards although they operate more like credit cards. We would limit consumer liability as it is currently limited for credit cards.
- **Prohibit unsolicited mailing of loan checks.** Loan checks are credit products for which the consumer need only sign and cash or deposit the check to obtain the loan. While generally offered to middle and upper income persons, the consumer is at risk for fraudulent endorsement of the check. For the same

*reasons that Federal law prohibits unsolicited mailing of credit cards -- protecting consumers from the hassle of contesting liability for stolen card purchases -- we would prohibit unsolicited mailing of loan checks.*

#### **4. Expand access to financial services**

**Provide Low-Cost Banking Services to All Americans.** We would expand the availability of low-cost, electronic banking accounts (ETAs), so that all Americans can have a low-cost, yet safe and sound account in which to deposit and save their money. The Treasury would pay for account establishment for Federal benefit recipients and fees to consumers would be limited. (The Treasury Department issued a proposed rule on January 7. Final due soon.)

**Provide Individual Development Accounts (IDAs) To Make It Easier for Low-Income Families to Save.** IDAs allow low-income households to save not just for retirement but also for education, emergencies, ~~homeownership~~home ownership, or business investment. Individual contributions can be matched to incent more savings. (The FY00 budget doubles funding for IDAs.)

#### **5. Improve consumer financial education**

- **Launch a Campaign to Promote Education on Credit, Savings, and Investment.** *The President could direct the NEC to convene a high level interagency group to present him with a plan to raise financial literacy levels and to coordinate and expand the Administration's commitment to consumer financial education. . (Does not require legislation.)*

**Create a Consumer Clearinghouse on Credit, Savings, and Investment.** The Treasury will establish an easy-to-use government clearinghouse of resources for financial planning by building on existing agency web sites, to help consumers and interested groups locate financial education and planning resources. (Does not require legislation.) TENTATIVE

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Bruce Reed re Academic Bill of Rights (1 page)	03/24/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[03/18/1999-04/02/1999]

2009-1006-F  
kc212

### 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:24-MAR-1999 11:53:09.00

SUBJECT: Re: good welfare to work stories

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

READ:UNKNOWN

TEXT:

Next time I'll just leave it to you. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAR-1999 19:31:26.00

SUBJECT: weekly

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

TEXT:

I never used your weekly item on organ allocation. Could you and Chris please submit an updated version for this week's weekly report? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAR-1999 16:08:41.00

SUBJECT:

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

TEXT:

Are you planning to do a cover to Shalala's "legacy" memo? I don't care;  
just let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAR-1999 15:57:48.00

SUBJECT: Re: TANF Rule

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

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

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

TEXT:

Oh no -- we must have given too much!!! (Just a joke.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-MAR-1999 15:18:31.00

SUBJECT: Crime Bill -- Nursing Home Provision

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

TEXT:

As you know, i disagree with the thrust of this memo, though i wouldn't object to the "nothing in this act" language. Have we heard anything from HHS?

----- Forwarded by Elena Kagan/OPD/EOP on 03/24/99 03:15 PM -----

Leanne A. Shimabukuro  
03/23/99 12:21:55 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP, Christopher C. Jennings/OPD/EOP, Devorah R. Adler/OPD/EOP, Sarah A. Bianchi/OVP @ OVP  
cc:  
Subject: Crime Bill -- Nursing Home Provision

FYI

----- Forwarded by Leanne A. Shimabukuro/OPD/EOP on 03/23/99 12:24 PM -----

Ronald E. Jones  
03/23/99 11:01:14 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Crime Bill -- Nursing Home Provision

----- Forwarded by Ronald E. Jones/OMB/EOP on 03/23/99 10:56 AM -----

Gaylee L. Morgan 03/23/99 09:58:35 AM

Record Type: Record

To: Ronald E. Jones/OMB/EOP@EOP  
cc: See the distribution list at the bottom of this message  
Subject: Crime Bill -- Nursing Home Provision

HD staff have reviewed Section 3039 of the Crime Bill ("Nursing Home Resident Protection Act") and have the following comments:

Inclusion in Crime Bill. As a matter of perception, we believe there is a danger in housing a nursing home quality provision in the crime bill. Nursing home resident advocates have raised concerns that nursing home

enforcement should, in general, be a quality issue, not a crime issue. We recommend pulling the nursing home provision out of the crime bill and sending it up as a stand-alone bill.

Criminal Authority for DOJ. We concur with the provisions in the bill that would give DOJ criminal authority over both nursing home chains and individual nursing homes.

Referral. The bill would give DOJ the authority to pursue nursing homes without referral from HCFA. We believe this would create significant overlap between HCFA's and DOJ's enforcement actions and could impede HCFA's actions to improve quality. We are also concerned that, because DOJ would exercise its authority through its US Attorney's offices, there would not be a consistent application of quality standards. We recommend that DOJ have the authority to pursue nursing homes only upon referral from HCFA or with the explicit approval of HCFA. We believe these provisions should be included as part of the actual bill, rather than as an MOU.

Chains vs. Individual Facilities. The bill would give DOJ civil authority to pursue both nursing home chains and individual facilities. We believe HCFA should have primary civil authority in cases involving individual facilities, and we recommend removing the legislative language that gives DOJ civil authority over individual facilities. DOJ would continue to have civil authority through the False Claims Act, upon referral from HCFA. DOJ's proposal would impede HCFA's ability to enforce quality through CMPs, including the use of HCFA's new CMP per-instance CMP authority. For nursing home chains, we believe DOJ should have civil authority to pursue nursing home chains only upon referral from HCFA or with the explicit approval of HCFA.

Protecting Enforcement of Quality. The bill provides no assurance that HCFA will be allowed to continue quality enforcement actions even if DOJ is conducting its own investigation. We believe HCFA should be able to continue its enforcement actions even if DOJ is conducting its own investigation. We recommend including language stating that "Nothing in this Act shall be construed as depriving the Secretary of Health and Human Services of any authority, including enforcement authorities, under the Social Security Act, related to nursing homes."

As you know, negotiations among policy officials at HHS, HCFA, DOJ, OMB and DPC are ongoing. We understand that there is a tentative agreement between HCFA and DOJ that would give HCFA veto authority over injunctive relief cases brought by DOJ in exchange for giving DOJ civil authority over individual nursing homes, with required advance consultation with HCFA.

We suggest two possible alternatives:

Accept this compromise as is, but insert language stating that "Nothing in this Act shall be construed as depriving the Secretary of Health and Human Services of any authority, including enforcement authorities, under the Social Security Act, related to nursing homes." This would protect HCFA's efforts to enforce quality even if DOJ is conducting its own investigation.

Give all primary civil authority to HCFA, but establish a referral process in an MOU for both chains and individual facilities.

Please let us know if you have any questions.

Message Copied

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

Daniel N. Mendelson/OMB/EOP@EOP  
Mark E. Miller/OMB/EOP@EOP  
Barry T. Clendenin/OMB/EOP@EOP  
Robert J. Pellicci/OMB/EOP@EOP  
Anne E. Tumlinson/OMB/EOP@EOP  
Caroline B. Davis/OMB/EOP@EOP  
Yvette Shenouda/OMB/EOP@EOP  
Gina C. Mooers/OMB/EOP@EOP

Message Sent

To:

---

James Boden/OMB/EOP  
David J. Haun/OMB/EOP  
Jose Cerda III/OPD/EOP  
Leanne A. Shimabukuro/OPD/EOP  
Richard E. Green/OMB/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 13:04:52.00

SUBJECT: Long Term Scheduling Meeting

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

READ:UNKNOWN

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 03/17/99 02:35 PM -----

Karin Kullman

03/17/99 02:11:50 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: Long Term Scheduling Meeting

FYI -- In preparation for tomorrow's 5pm long term planning meeting, I am planning to meet with Bruce around 2pm tomorrow to go over the running list of event ideas I have from the staff.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 18:56:55.00

SUBJECT: Video Request

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

TEXT:

you bet

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/99 06:59  
PM -----

Karin Kullman  
03/25/99 05:17:06 PM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc:  
Subject: Video Request

I am going to submit a request for the President to tape a video for the Campaign for Tobacco-Free Kids' Youth Advocates of the Year Awards. Is this ok with you?

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:25-MAR-1999 15:38:49.00

SUBJECT: RECEIVED: Radio Address Meeting Time Change

TO: Tracy Pakulniewicz ( CN=Tracy Pakulniewicz/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
Radio Address Meeting Time Change  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/25/99 03:22:44 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 18:57:43.00

SUBJECT: Follow up to Immigration meeting

TO: Irene Bueno ( CN=Irene Bueno/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Absolutely no problem -- you're doing great. Let's talk tomorrow.

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/99 07:00  
PM -----

Irene Bueno

03/25/99 06:02:55 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Laura Emmett/WHO/EOP

Subject: Follow up to Immigration meeting

Elena -

I would like to follow up with you on the Immigration meeting and to try to explain what I have been doing these last 4 weeks and why I hesitated about the schedule of meetings over the next two weeks.

First, I want you to know that I am fully committed to this job and know that I am capable of doing a good job but I know that I can and should do better. During the last 4-1/2 weeks in addition to learning new systems, meeting and calling key staff, and learning many new issues, I have been working to develop policies; to identify issues that require policy development; to hold meetings; do research; etc. but certainly I could have done more and I will do more and stay on top of policy issues in my area. For the upcoming meetings on immigration proposals, I will prepare a document that outlines policy proposals on NACARA, Late Amnesty, and Criminal Detention. On battered immigrants, I succeeded in convincing DOJ to include battered immigrant provisions in the crime bill and I am negotiating with them which proposals will be in the bill.

The reason I hesitated about the schedule of the meetings over the next two weeks is that I will be on leave. I had discussed this with Bruce when I arrived and had sent both of you a reminder e-mail earlier today. I apologize if this a surprise to you and for the problems that this causes but as I mentioned earlier, I will do everything I can to prepare materials for the upcoming meetings and when I return I will do more to stay on top of policy issues in my area.

You and I are scheduled to meet on Friday at 2 pm. If you have time to speak to night, I will be in my office all evening.

Thank you.

Irene

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 18:58:54.00

SUBJECT: Re: Racial Profiling and Immigration Enforcement

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/99 07:01  
PM -----

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

03/25/99 06:43:22 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc: Elena Kagan/OPD/EOP, Clara J. Shin/WHO/EOP

Subject: Re: Racial Profiling and Immigration Enforcement

Below from Bob Bach. The problem is getting them to say what their policy is. It is hard and unpleasant in either direction, so they want to avoid letting people know what their policy is. I'm against this on principle.

It is a hard issue. But it is an important issue to a lot of us, especially the Hispanic advocacy community. I think the President needs to face it. I'm glad Bach and DOJ are a little ashamed of their unwillingness to disclaim use of ethnicity as a factor. That's part of my strategy -- pressing to figure out if the enforcement imperative is really worth the shame and heat. Maybe INS/DOJ should be pushed by someone other than me???

(Someone please forward to Irene Bueno.)

>Date: Wed, 24 Mar 1999 20:08:16 -0500

>Subject: Re: Racial Profiling and Immigration Enforcement

>Sender: RBach20010@aol.com

>From: RBach20010@aol.com

>To: edley@law.harvard.edu

>

>Chris,

>

>Good to hear from you again. I agree completely that the immigration issue

>needs to be in the President's book, both to address the concerns and

>interests of the Latino community and to fully acknowledge the social meaning

>of race in this current historical moment.

>

>My concern is how immigration and INS policy is addressed. In my view, it

>would be too divisive to say that the Administration supports not using race

>or ethnicity in profiling and enforcing, except for immigration -- as if it is

>okay to discriminate and profile and ignore essential rights in immig

ration

> matters. Or, to say that there is an absolute bar to what seems only  
> common  
> sense when it comes to enforcing a law that is precisely about people  
> coming  
> from another country, and would we not want to know something about who  
> they  
> are.

>  
> I think we should stress several points:  
>  
> 1. a core problem is how enforcement is done, especially "traffic stops".  
> Much, much can and should be done to minimize the possibilities of  
> conducting  
> traffic stops -- especially for immigration. Essentially, Chris, there  
> are  
> many more and better ways to enforce immigration laws than traffic stops,  
> which are the source of the primary concerns from the Latino community and  
> the  
> legal immigrant community in general. Essentially, why use enforcement  
> techniques that cause scrutinizing and suspecting everyone in order to  
> uncover  
> a few wrongdoers.

>  
> We could probably make the immigration experience of traffic stops an  
> example  
> of the harms of profiling, rather than one element of an exception. You  
> would  
> just have to craft the language in a way that does not generally outlaw  
> the  
> use of race or ethnicity but perhaps, for example, instructs the AG to  
> find  
> ways to enforce the immigration laws better without using it.

>  
> 2. Point 1 would, I think, help to support Bill Lann Lee's idea that we  
> might  
> be able to say strong, general points about not using ethnicity when it  
> comes  
> to worksite enforcement. We have made strides there with an emphasis on  
> the  
> need to examine everyone's documents, and ask everyone questions during  
> certain operations -- to prevent officers precisely from picking out only  
> those people who "look foreign." We may not yet be able to include  
> immigration totally within the general statement, at least as I understand  
> the  
> general statement, but we could certainly point to principles that are  
> more or  
> less useful in certain locations, such as the worksite, and direct future  
> work.

>  
> 3. Chris, the underlying academic problem in all this discussion is that  
> immigration issues really involve "nationality" not ethnicity. It is the  
> nature of enforcement that involves national borders -- whether it is  
> immigration, customs, or agriculture (by the way, this is NOT just an  
> immigration issue -- that the characteristic of the person that is being  
> inspected is their individual status, not only driving fast, or carrying  
> drugs, or even crossing the border illegally. The latter are all  
> behaviors.  
> The nationality question is one of status that requires enforcement  
> people to  
> worry about and to check who that person is. For instance, speaking a  
> language of a country, even when some in the US speak it, is still a clue  
> about a person's residence, which is a key element of determining

immigration

>status. Other clues exist too.

>  
>Conceptually, what INS and Customs are looking at and for are characteristics that reflect this status of being an "alien" - as the law calls them.

That is

>what makes immigration enforcement unique, in my view. When the Supreme Court

>said that the Border Patrol can use checkpoint operations within a certain distance of the border, and use such traits as dirt on the wheels, Mexican or

>Canadian license plates, etc., and the appearance of the passengers, it was, I

>believe, emphasizing clues to whether the person is "alien," not their race or

>ethnicity.

>  
>I say this is academic because in the public mind, and in the perception of

>persons of heritage of the most popular countries of origin for immigration

>today, the Border Patrol is really stopping them for their ethnicity. In their view, the arrest equates to being treated as if they are foreign, which

>is justifiably upsetting.

>  
>To say, therefore, that race and ethnicity should not be used by any law enforcement, but nationality is okay for immigration purposes is probably closer to what we should say, but it is far too academic to make sense to most people.

>  
>4. So, in my view, the "exception" for immigration in principle is not needed. But in practice, it is, until much more work is done -- that should

>be done -- to find alternatives to enforcement efforts that create this dilemma and more understanding is gained of the differences between ethnicity

>and the status question for immigration.

>  
>Chris, I know this sounds too little too late (for some reason the Operations

>side of INS was brought into this discussion only) but I would hope that you

>don't go too far in creating an exception for immigration that somehow legitimizes discrimination and profiling for the Border Patrol, or in including immigration in a generalized statement that bars the use of race and

>ethnicity in enforcement until the way to achieve that in immigration enforcement can be clearly and effectively described.

>  
>If you want me to look at some of the draft language, I'll be happy to.

>  
>Talk with you soon.

>  
>Bob

>  
>  
>  
>  
Professor Christopher Edley, Jr.  
Harvard Law School,  
Cambridge MA 02138

(617)-495-4614; (f) 496-5156

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 10:42:52.00

SUBJECT: Re: Meetings on police

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

TEXT:

Ben -- we would never have a meeting without you. Also, I think Bruce is going to be calling you this morning on this subject.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAR-1999 18:38:10.00

SUBJECT: Why didn't we issue POTUS statement yesterday on signing of nursing home bill?

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

READ:UNKNOWN

TEXT:

we should have

----- Forwarded by Elena Kagan/OPD/EOP on 03/26/99 06:40  
PM -----

Barry J. Toiv

03/26/99 11:49:00 AM

Record Type: Record

To: Phillip Caplan/WHO/EOP, Linda Ricci/OMB/EOP, Elena Kagan/OPD/EOP,  
Christopher C. Jennings/OPD/EOP

cc:

Subject: Why didn't we issue POTUS statement yesterday on signing of  
nursing home bill?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-MAR-1999 09:44:04.00

SUBJECT: Talking Points for Data Collection

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/26/99 09:46  
AM -----

Thomas L. Freedman  
03/24/99 12:04:53 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Mary L. Smith/OPD/EOP  
Subject: Talking Points for Data Collection

Here's what I'd say trying to convince advocates this is a worthy data collection provision.

1. Update. I wanted to get back to you on where we were on putting together a strong data collection piece for Daschle's bill. We've been talking a lot to EEOC, Labor, to get something that works and could get passed. Actually, we've had these meetings with something like 17 agencies and offices, and we've had a lot of back and forth, but I think we've come up with something good.

2. Background. Last year, you remember Daschle's bill originally had a very general provision that allowed EEOC to collect data from employers of more than 100 employees. But there was a strong sense that as written the provision would draw really heavy fire from business groups, it would go nowhere.

3. Our goal. Our goal was to find some way to give EEOC the same ability to collect the data that Daschle had and mitigate the attacks -- and I think we've done that.

4. The proposal. The idea I wanted to bounce off you does two things: First, it tells EEOC to survey what data is available to the federal government, what do we have now? And it says EEOC should identify the gaps in our data collection for the purpose of better enforcement. And it says EEOC should consult other agencies when it does this.

5. Second, it says EEOC should take that evaluation and run a process and come up with a proposed rule for collecting the data necessary to enforce the laws under its jurisdiction. To fill the gaps. The way we neutralized the business concerns is that we just explicitly identify factors that EEOC consider anyway in making its rule, and say EEOC will consider them. So we say that in figuring out the best way to enforce the law, EEOC will consider the burden on business, and will consider what is the best vehicle for collecting the data, and how it will target businesses information to be most useful to EEOC and OFCCP.

5. But at the end of the day, it is EEOC writing the rule to collect data

for enforcement that is useful to EEOC.

6. EEOC/ Labor Support. We've talked to Ida Castro and Ellen Vargyas at EEOC who think this is a good step forward, and we've talked to Shirley Wilcher at OFCCP and she likes it as well.

7. Real Money and Deadlines. And we give an explicit up to \$2 million authorization to do it, and a deadline of under 18 months -- although Ida plans to try and do it in under a year.

8. Puts Administration on Record. Anyway, I think its a good package, it puts the Administration on the record for strong data collection by EEOC.

9. Neutralizes Republican Attack. And it gives us an answer when Republicans say it is a massive overhaul of the EEO-1 form, because we say no, we are going through a process to identify what we need -- maybe it will be EEO-1, maybe not, but let's put figuring out what we need and enforcing the law as the prime goal. This bill does that. And it is clear that EEOC will consider ways to minimize burdens on business.

10. Next Steps. If you are okay with it, we'll go back to Daschle and get the final language together, I'm sort of surprised that we've been able to get Treasury, Commerce, and OMB to go along with this, and I want to go ahead before we have minds changing. We're shooting to have something for the April 7th event.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Elena Kagan to Bruce Reed re Immigration (1 page)	03/26/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[03/18/1999-04/02/1999]

2009-1006-F  
kc212

### 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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- 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(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:26-MAR-1999 10:00:42.00

SUBJECT: RECEIVED: Waxman Tobacco Recoupment Bill

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

TEXT:  
RETURN RECEIPT

Your Document:  
Waxman Tobacco Recoupment Bill  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/26/99 10:00:36 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:29-MAR-1999 10:47:15.00

SUBJECT: RECEIVED: Meeting

TO: Tracy Pakulniewicz ( CN=Tracy Pakulniewicz/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
Meeting  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/29/99 10:43:25 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 19:19:15.00

SUBJECT: LRM CJB31 - - EDUCATION Conference Document on HR800 Education Flexibility Partn

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

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 03/30/99 07:21  
PM -----

Constance J. Bowers

03/30/99 05:31:32 PM

Record Type: Record

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

cc:

Subject: LRM CJB31 - - EDUCATION Conference Document on HR800 Education  
Flexibility Partnership Act of 1999

Please direct your comments on the letter below to:

Melissa Benton by

4:00 p.m. Wednesday, March 31, 1999

Note: In the letter to the conferees, Secretary Riley states that he  
would recommend that the President disapprove HR 800 if it is enacted with  
unacceptable provisions that are in the Senate version.

click here for letter:

----- Forwarded by Constance J. Bowers/OMB/EOP on  
03/30/99 05:26 PM -----

LRM ID: CJB31

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Tuesday, March 30, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Melissa N. Benton

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

SUBJECT: EDUCATION Conference Document on HR800 Education  
Flexibility Partnership Act of 1999

DEADLINE: 4:00 p.m. Wednesday, March 31, 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: The attached letter from Secretary Riley is directed to the conferees on HR 800. In the letter, Sec. Riley states that he would recommend that the President disapprove the bill, if it is enacted with unacceptable provisions that are in the Senate-passed bill.

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Constance J. Bowers

LRM ID: CJB31 SUBJECT: EDUCATION Conference Document on HR800 Education Flexibility Partnership Act of 1999

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

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

You may also respond by:

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

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

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

FROM: \_\_\_\_\_ (Date)  
 \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Agency)  
 \_\_\_\_\_ (Telephone)



Dear Conferee:

I am writing to express my views on the House- and Senate-passed versions of H.R. 800, the Education Flexibility Partnership Act of 1999. As you know, "ED-Flex" authority permits States to waive certain statutory and regulatory requirements that apply to Federal education programs in a manner that complements State educational reform efforts and promotes achievement to high standards by all students. The Administration has long supported the concept of expanding ED-Flex authority beyond the 12 States allowed under current law, so long as that expansion does not undermine the purposes of those Federal programs and maintains a high degree of accountability for results. I am very pleased, therefore, that both bills would expand eligibility for ED-Flex status to all the States, as well as the District of Columbia and the Commonwealth of Puerto Rico, and couple that increased flexibility with a serious attention to maintaining accountability at the State and local level. The Senate bill, however, contains certain unacceptable provisions—unrelated to the expansion of ED-Flex authority—that, if enacted, would force me to recommend to the President that he disapprove the bill. I urge the Conferees to avoid such a disappointing and unnecessary result.

Turning to the ED-Flex provisions, I am very pleased that both bills have strong provisions for ensuring: public notice and comment, at the State and local level, on proposed waivers; State monitoring of local ED-Flex activities; and termination of waivers that have inadequate or harmful results. With respect to State eligibility for ED-Flex status, I prefer the more rigorous conditions in the House bill, as they apply to implementation of standards and assessments under Title I of the Elementary and Secondary Education Act of 1965 (ESEA). With respect to the State's application for ED-Flex status, I prefer the language in the Senate bill, which focuses on how ED-Flex authority will assist in implementing the State's comprehensive reform plan. I believe that complete State reporting of ED-Flex results is important and so support the provisions of the House bill relating to annual State reporting to the Secretary about the numbers and characteristics of waivers granted. Finally, I strongly support the provision of the House bill that would "sunset" this Act upon enactment of the upcoming reauthorization of the ESEA, because it is vitally important that continuation of ED-Flex authority be made consistent with changes to the underlying Federal programs to which it applies.

Last fall, Congress enacted and funded, on a bipartisan basis, a down payment on the President's plan to help the Nation's school districts reduce class sizes in the early elementary grades. Regrettably, the Senate bill contains amendments to the class size reduction authority that would undermine its impact by permitting local school districts to use funds received under that initiative not to reduce class size, but to meet obligations they are already required to meet under Part B of the Individuals with Disabilities Education Act. The value of reducing class size in the early elementary grades is supported by the research, and doing so is one of the most important things we can do to honor our national commitment to ensuring equal educational opportunity for all our children. Moreover, reducing class size in the early grades allows teachers to identify, and work more effectively with, students who have learning disabilities, thereby

potentially reducing those students' need for intensive special education services in the later grades. Rather than undermining the bipartisan effort to reduce class size--and setting parent against parent in school districts across the country--I would have preferred a bill that extended the President's initiative, so that school districts could plan to hire additional qualified teachers, provide additional classrooms, and take the other steps necessary to reduce class size. I certainly cannot support a bill that contains these Senate amendments and would recommend that the President disapprove it, if it were presented to him.

The Office of Management and Budget advises that there is no objection to the submission of this report and that from the standpoint of the Administration's program, enactment of H.R. 800 containing the Senate's amendments relating to the class size reduction initiative would not be in accord with the President's program. [Or do we want to say that enactment without the Senate amendments would be in accord with the President's program?]

Yours sincerely,

Richard W. Riley

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 19:19:59.00

SUBJECT: Re: wjw article

TO: Todd Stern ( CN=Todd Stern/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

didn't we get it toyou?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 12:17:36.00

SUBJECT: Re: wjw article

TO: Todd Stern ( CN=Todd Stern/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

the wjw piece was written specifically for the book, which has a 1997 copyright.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 12:15:06.00

SUBJECT: Re: Dodd Amendment on Child Care

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

READ:UNKNOWN

TEXT:

sounds good. have laura set it up.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 07:41:09.00

SUBJECT: Comparable Worth

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

TEXT:

could you deal with this? thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 03/31/99 07:43  
AM -----

Carl Haacke 03/30/99 07:30:18 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

CC:

Subject: Comparable Worth

Sally wanted me to touch base with you to get you position on having a "comparable worth" person at the round table to highlight the issue, albeit not articulated specifically in these terms.

Let me know what you think.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME: 1-APR-1999 08:29:33.00

SUBJECT: RECEIVED: REVISED President's statement on MMWR

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

TEXT:  
RETURN RECEIPT

Your Document:  
REVISED President's statement on MMWR  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
04/01/99 08:31:24 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 19:01:37.00

SUBJECT: Re: Equal Pay Panel Update

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

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

TEXT:

That sounds pretty good, but she doesn't sound like a union member. You should see if you can come up with a few options for Monday, and then we can pick the best. I talked to Ann Lewis and she agrees with me on my basic point (i.e., that the panelist should demonstrate the comp. with problem, not the comp worth legislative solution), although she continues to want a union member.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004a. email	Elena Kagan to Eric Angel and Mark Childress re aba attached (1 page)	04/02/1999	P2, P5, P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[03/18/1999-04/02/1999]

2009-1006-F

kc212

### 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]

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004b. email attachment	ABA Personal Data Questionnaire (24 pages)	04/02/1999	P2, P5, P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[03/18/1999-04/02/1999]

2009-1006-F

kc212

### RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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