

**NLWJC - KAGAN**

**EMAILS CREATED**

**ARMS - BOX 011 - FOLDER 006**

**[11/27/1996 - 2/14/1997]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to David B. Fein. Subject: Re: Minnie Driver. (1 page)	12/02/1996	Personal Misfile
002. email	Elena Kagan to Todd Stern. Subject: Re: dinner. (1 page)	12/04/1996	Personal Misfile
003. email	Elena Kagan to Elena Kagan. Subject: Urgent. [partial] (1 page)	01/08/1997	P6/b(6)
004. email	Elena Kagan to Bruce Reed. Subject: [Andy Gorelick] (1 page)	01/14/1997	P6/b(6)
005. email	Elena Kagan to Jodie Torkelson. Subject: [hire] (1 page)	01/24/1997	P6/b(6)

**COLLECTION:**

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

**FOLDER TITLE:**

[11/27/1996 - 02/14/1997]

2009-1006-F  
ab820

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

RR. Document will be reviewed upon request.

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

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- b(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=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:27-NOV-1996 10:22:51.00

SUBJECT: meeting on jones case

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

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

TO: Cheryl L. Sweitzer ( CN=Cheryl L. Sweitzer/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

Bob Bennett is having a meeting at his office on Dec 4 at 10:30 to discuss the jones case. I know Jack wants to come. I assume Bruce and Kathy will as well.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-NOV-1996 15:10:42.00

SUBJECT: ethics problem

TO: Cheryl D. Mills ( CN=Cheryl D. Mills/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Can you call me asap? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-DEC-1996 12:32:53.00

SUBJECT: exec order on outside income

TO: WALLMAN\_KM ( WALLMAN\_KM @ A1 @ CD @ LNGTWY [ EOP ] ) (WHO)  
READ:UNKNOWN

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

TEXT:

Jane Lay of OGE is going to call you (Jack) -- or may already have done so. I think she will try to persuade you to abandon the idea of extending the executive order prohibiting earned outside income to all political appointees. Per your last note, I asked Beth Nolan and Jane to prepare the language amending the EO (and the accompanying OGE regs) in this way. I take it that Jane wants to make a last stab at changing your mind before she gives us the language. (Recall that we are acceding to her view that a ban on all earned income is better than a ban on honoraria alone; but she would prefer that we take neither action.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-DEC-1996 12:24:53.00

SUBJECT: civil fbi files suit

TO: WALLMAN\_KM ( WALLMAN\_KM @ A1 @ CD @ LNGTWY [ EOP ] ) (WHO)  
READ:UNKNOWN

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

TEXT:

The stay motion in the civil fbi suit suit will be heard this friday (Dec 6) by Judge Lamberth

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-DEC-1996 12:22:30.00

SUBJECT: Re: Do we know what became of the 211 letter.

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

TEXT:

If I remember correctly, I talked to Jennifer, and we went with the version we had, as edited by Bruce.

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

### FOLDER TITLE:

[11/27/1996 - 02/14/1997]

2009-1006-F  
ab820

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-DEC-1996 18:26:43.00

SUBJECT: Re: Indian Gaming Issues

TO: Lucia A. Wyman ( CN=Lucia A. Wyman/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:  
Pretty much anytime Thursday or Friday

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Todd Stern. Subject: Re: dinner. (1 page)	12/04/1996	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[11/27/1996 - 02/14/1997]

2009-1006-F  
ab820

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-DEC-1996 14:03:11.00

SUBJECT: Re: Indian gaming meeting revisited

TO: SHIMABUKUR\_L ( SHIMABUKUR\_L @ A1 @ CD @ LNGTWY [ EOP ] ) (OPD)  
READ:UNKNOWN

TEXT:  
yes

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-DEC-1996 14:05:47.00

SUBJECT: Re: Indian Gaming/Governors

TO: Emily Bromberg ( CN=Emily Bromberg/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Looks great. If you can still make a chnage, I'd say "decline to meet with the Governors at thia time." Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-DEC-1996 16:42:40.00

SUBJECT: Re: Support of the Narragansett Tribe/Indian Gaming

TO: Diane Ikemiyashiro ( CN=Diane Ikemiyashiro/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

I don't know what that is. Is it a different issue?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-DEC-1996 17:40:27.00

SUBJECT: Re: Support of the Narragansett Tribe/Indian Gaming

TO: Diane Ikemiyashiro ( CN=Diane Ikemiyashiro/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

If you've handled these letters in a particular way before, I don't see any reason to change now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-DEC-1996 13:57:46.00

SUBJECT: contracting costs

TO: WALLMAN\_KM ( WALLMAN\_KM @ A1 @ CD @ LNGTWY [ EOP ] ) (WHO)  
READ:UNKNOWN

TO: QUINN\_J ( QUINN\_J @ A1 @ CD @ LNGTWY [ EOP ] ) (WHO)  
READ:UNKNOWN

TEXT:

Steve Kelman, Marvin Krislov, and I met yesterday to discuss:

1. Governmental policy on reimbursement of costs incurred in "anti-union" activities; and
  2. Governmental policy on contracting with frequent labor law violators
- I thought it was a pretty good meeting. Kelman seemed very receptive to preventing reimbursement of anti-union costs, either under existing law or by issuing new regulations. He was much less receptive -- but not entirely closed-minded -- as to discouraging agencies from contracting at all with frequent labor law violators. He wants to speak with his own staff and to some contracting officials about possible approaches on both of these issues. He will report back to Marvin and Kathy (since I'll be gone) with options.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-DEC-1996 11:36:48.00

SUBJECT:

TO: WALLMAN\_KM ( WALLMAN\_KM @ A1 @ CD @ LNGTWY [ EOP ] ) (WHO)

READ:UNKNOWN .

TEXT:

By the way, Jack told Kumiki that the WSJ forced his hand, so at least that part of the story is very much public.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-DEC-1996 18:43:23.00

SUBJECT: Re: meeting with NGA on Indian gaming

TO: SHIMABUKUR\_L ( SHIMABUKUR\_L @ A1 @ CD @ LNGTWY [ EOP ] ) (OPD)  
READ:UNKNOWN

TEXT:

Actually, I don't think it is. Please check with David Fein of the Counsel's Office, who handles contacts issues, on Monday.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-DEC-1996 11:23:05.00

SUBJECT: Campaign Finance Reform

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

TEXT:

Can you come?

----- Forwarded by Elena Kagan/WHO/EOP on 12/17/96 11:22  
AM -----

Elisa Millsap

12/17/96 11:11:57 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: Campaign Finance Reform

There is a campaign finance reform meeting in John's office tomorrow from  
12:30 p.m. to 2:00 p.m.. Common Cause folks will be in attendance.  
Please let me know if you will be unable to attend. Thank you.

Message Sent

To: \_\_\_\_\_  
ICKES\_H @ A1 @ CD @ LNGTWY  
John M. Quinn/WHO/EOP  
Michael Waldman/WHO/EOP  
Elena Kagan/WHO/EOP  
Peter G. Jacoby/WHO/EOP  
James P. Weber/WHO/EOP  
REED\_B @ A1 @ CD @ LNGTWY  
Thurgood Marshall Jr./OVP @ OVP  
Michael B. Feldman/OVP @ OVP  
David R Thomas/OVP @ OVP  
Gregory C. Simon/OVP @ OVP  
Douglas B. Sosnik/WHO/EOP  
Karen L. Hancox/WHO/EOP

Message Copied

To: \_\_\_\_\_  
John O. Sutton/WHO/EOP  
Cheryl L. Sweitzer/WHO/EOP  
PINTO\_D @ A1 @ CD @ LNGTWY  
MAYS\_C @ A1 @ CD @ LNGTWY  
Kristin A. Schneeman/OVP @ OVP  
Daniel E. Bernal/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-DEC-1996 14:52:42.00

SUBJECT: Re: five minutes with Ken

TO: Deborah F. Kramer ( CN=Deborah F. Kramer/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TEXT:

That's OK now, but there's a possibility something else is going to come up for me that morning.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-DEC-1996 16:26:12.00

SUBJECT: Re: DEPARTING - MINE!

TO: Cheryl L. Sweitzer ( Cheryl L. Sweitzer @ EOP @ LNGTWY [ WHO ] )

READ:UNKNOWN

TEXT:

Congratulations!!! that's wonderful. (Though if I weren't leaving myself, I wouldn't think it was wonderful at all.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-DEC-1996 16:29:22.00

SUBJECT: Re: Thank you!

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

TEXT:

That's awfully nice of you to say. It's been a pleasure working with you too.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-DEC-1996 16:29:53.00

SUBJECT: Re: Domestic Violence

TO:.HOGAN\_L ( HOGAN\_L @ A1 @ CD @ LNGTWY [ EOP ] ). (OPD)  
READ:UNKNOWN

TEXT:  
eeks. not yet. what's the timing on this?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-DEC-1996 16:28:16.00

SUBJECT: Re: Jeremy Ben-Ami's Send-Off

TO: CRAFT\_D ( CRAFT\_D @ A1 @ CD @ LNGTWY [ EOP ] ) (OPD)  
READ:UNKNOWN

TEXT:

I hope to be able to come, but I'm not absolutely sure.

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003. email	Elena Kagan to Elena Kagan. Subject: Urgent. [partial] (1 page)	01/08/1997	P6/b(6)

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

### FOLDER TITLE:

[11/27/1996 - 02/14/1997]

2009-1006-F  
ab820

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RECORD TYPE: PRESIDENTIAL (WAVES REQUEST)

CREATOR: Elena Kagan ( KAGAN\_E ) (WHO)

CREATION DATE/TIME: 8-JAN-1997 17:02:42.27

SUBJECT: \*\*URGENT\*\* Appt. request - faneroff, joseph

TO: Elena Kagan ( KAGAN\_E ) Autoforward to: Remote Addressee  
READ:NOT READ

TEXT:

Date Appointment with  
08-Jan-1997 KAGAN, ELENA

Room No. Bldg. Requested by Phone #  
125 EOB Elena Kagan 456-7594

Comments:

TIME	VISITOR'S LAST, FIRST NAME	BIRTHDATE	SOC. SEC. #
05:15pm	faneroff joseph	P6/(b)(6)	- -

[003]

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Elena Kagan to Bruce Reed. Subject: [Andy Gorelick] (1 page)	01/14/1997	P6/b(6)

## COLLECTION:

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WHO ([From Elena Kagan])  
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[11/27/1996 - 02/14/1997]

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RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Elena Kagan@EOP@LNGETWY@EOPMRX

CREATION DATE/TIME:14-JAN-1997 10:05:00.00

SUBJECT: Also

TO: REED\_B

( REED\_B@A1@CD ) (WHO)

READ:14-JAN-1997 10:56:56.63

TEXT:

Message Creation Date was at 14-JAN-1997 09:58:00

Katie took me aside at the 8:15 on a matter concerning Diane Regas. We should talk briefly about this when you have time.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Elena Kagan@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME:14-JAN-1997 10:01:00.00

SUBJECT: today's meeting

TO: REED\_B ( REED\_B@A1@CD ) (WHO)  
READ:14-JAN-1997 10:51:36.78

TEXT:

Message Creation Date was at 14-JAN-1997 09:57:00

The SSI issue didn't come up at 7:30. Mary Ellen Glynn asked me about it at 8:15. She agrees that we shouldn't do it next week, and would prefer that we not do it this week either. She said she would talk to Mike about it.

Otherwise:

1. Don Baer said the policy shops have to give him paper soon on the SOTU -- both overall "vision" and specific suggestions.
2. OMB is continuing public release of the DC plan. There's a package of materials I'll try to get for both of this morning.
3. The campaign finance meeting Hilley wanted (with the reform groups and President) won't happen this week. There's going to be a formal, Presidential-level announcement of the DNC leaders this week. Rahm wants to release info on DNC reforms at the same time. Some people doubted whether the reform plan would be ready in time. Leon pressed for an expedition.
4. Gene's education event is set to roll for Thursday. (Why exactly is this GENE's education event?)
5. Rahm asked that we (I say "we," but it was unclear to whom he was talking) figure out whether or how to plug into state efforts to pass HMO Patients' Bills of Rights. (See the Washington Post this morning.)
6. All agreed that Mike should comment as little as possible on the Pear story and the details of the Administration's Medicaid proposals. To the extent he needs to say something, he should state the two overarching principles: (1) retaining the individual guarantee and (2) placing constraints on overall spending.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Elena Kagan@EOP@LNGTWY@EOPMRX

CREATION DATE/TIME:21-JAN-1997 08:18:00.00

SUBJECT: Read Receipt: FYI from Gordon Adams

TO: FOLEY\_M ( FOLEY\_M@A1@CD ) (WHO)

READ:21-JAN-1997 08:54:03.34

TEXT:

Message Creation Date was at 21-JAN-1997 08:14:00

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:23-JAN-1997 16:37:59.00

SUBJECT: Re: Getting together

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

TEXT:

Sorry, sorry, sorry. How about Monday at 10:00. And really, I do apologize for not getting back to you earlier.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JAN-1997 19:51:45.00

SUBJECT: Re: Meeting with Kitty Higgins

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

READ:UNKNOWN

TEXT:

Why is Kitty having a meeting on this subject???

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JAN-1997 11:14:03.00

SUBJECT: Racial issues meeting

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

TEXT:

As I told you this morning, Bruce and I would like to hold a regular meeting -- say, every couple of weeks -- on racial issues, including affirmative action. We had started to plan our first such meeting and had talked about it to Jack, Cheryl, Maggie, and Rahm. As some appointments are made (particularly to replace Deval), we thought we would add some agency people. And of course, we'd love participation from you or anyone else in the Chief of Staff's office. We think a regular meeting of this kind would contribute to fashioning a coordinated and strong policy (and message) on racial matters. Let me know what you think. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-JAN-1997 19:53:25.00

SUBJECT: Re: Meeting with Kitty Higgins

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

READ:UNKNOWN

TEXT:

I'd like to have our meeting with Melanne first. And would you let her know that I should be invited to any meeting on this subject? Thanks.

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Elena Kagan to Jodie Torkelson. Subject: [hire] (1 page)	01/24/1997	P6/b(6)

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**COLLECTION:**

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

---

**FOLDER TITLE:**

[11/27/1996 - 02/14/1997]

2009-1006-F  
ab820

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**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.

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RR. Document will be reviewed upon request.

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- 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:27-JAN-1997 15:44:18.00

SUBJECT:

TO: James A. Dorskind ( CN=James A. Dorskind/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

Mike Cohen will call your office to work out a response to the Winsten letter, as the President requested. Thanks.



## **EDC-6: Indian Gaming**

Last year, in Seminole Tribe of Florida v. Florida, the Supreme Court ruled unconstitutional a provision in the Indian Gaming Regulatory Act (IGRA) that permitted tribes to sue states in federal court for negotiating in bad faith under IGRA. The decision raises questions as to what remedies exist for tribes if a state refuses to negotiate in good faith.

In May 1996, the Interior Department issued an Advance Notice of Proposed Rulemaking (ANPR) to gather comments from interested parties on how to enforce the obligation of states to bargain with tribes in good faith following the Seminole decision. Part of the proposal would give the Interior Department authority to impose a remedy -- including permitting tribal gaming -- when a state is found to have negotiated with a tribe in bad faith. The ANPR closed in July 1996. The Interior Department, however, has not yet made a recommendation.

The NGA opposes any move by the Secretary of the Interior to permit gaming, even as a remedy for bad-faith bargaining, in the absence of a tribal-state compact. This matter is still under review in the Interior Department, and the Administration as yet has no position.

## **EDC-14: Affordable Housing**

30 percent rule. The NGA opposes the current requirement that 30 percent of income be paid as rent and opposes even more strongly increasing the 30 percent figure. The Administration supports the current 30% requirement, but does not support raising that requirement.

Section 8 Assistance. The NGA supports preservation of the existing Section 8 system. The Administration disagrees, on the ground that failing to reform the current system is not financially feasible. The Administration has called for a “mark-to-market” system that should make the Section 8 program more efficient.

The Administration generally concurs with the NGA’s other proposals on affordable housing.

## **HR2: Immigration and Refugee Policy**

Denial of benefits to legal immigrants. See separate sheet on Welfare Implementation proposals.

Cuban-Haitian entrants. The Administration strongly supports the NGA's recommendation that Cuban-Haitian entrants be treated as "refugees" as provided under the Fascell-Stone amendment. The Administration opposed the provision in the welfare bill that put an end to that parity.

Waiver of oath. The NGA calls on Congress to waive the oath for individuals who are incapable of communicating the desire to naturalize. The Administration has not yet taken a position on this issue.

Education of undocumented children. The NGA favors reimbursement by the federal government to the states for educational services provided to undocumented children. The Administration supports education for such children and opposes the proposal for reimbursement (the "Son-of-Gallegly amendment").

Alien registration. The NGA proposes annual registration of all legal immigrants in the United States. The Administration opposes this proposal.

Refugee services and resettlement. The Administration will review the questions of allowing each state to privatize refugee resettlement and of extending the period of eligibility for refugee services from eight to twelve months, as proposed by the NGA. These proposals should be considered within the context of the 1997 reauthorization of the Refugee Act, and the Administration welcomes the Governors' input in that endeavor.

The Administration generally concurs with all of the NGA's other positions on immigration and refugee policy.

## **HR22: Child Care**

Funding. The Administration agrees with the NGA that both discretionary and mandatory funds should be funded at full authorization levels and that funding for the Social Service Block Grant should be maintained.

Flexibility. The Administration recognizes that states want maximum flexibility in setting payment rates and defining administrative costs. The Administration is in the process of developing regulations on these and other issues and will take these recommendations into consideration.

Standards. The Administration opposes the NGA's proposal to amend current law requiring states to set standards for all federally funded child care providers in three key areas: minimum health and safety training; the prevention and control of infectious diseases (including immunizations); and building and premises safety. The Administration believes that current law strikes the right balance in allowing states to set the actual standards in these areas, while ensuring that some standards are required.

## HR-36: Implementation of Welfare Reform

Assistance to Legal Immigrants and Refugees. The NGA proposes that legal immigrants who cannot become citizens because of age or disability should not lose SSI or food stamps. The Administration has criticized the welfare law's denial of SSI, food stamps, and other benefits to legal immigrants generally. Our budget proposal, however, differs from the NGA's proposal in approach. On SSI, we would exempt all disabled individuals from the ban -- not only those whose disability has prevented naturalization. We would, however, retain the SSI ban on the aged. On food stamps, we would delay until later this year the benefit cuts affecting all legal immigrants -- not only the aged or disabled. We would not, however, offer any permanent exemptions from the food stamp cuts. Finally, next week the INS expects to issue a regulation and guidance that will allow certain legal immigrants with disabilities to waive citizenship tests.

The NGA's proposal that legal immigrants who have applied to become citizens keep benefits during that waiting period is impermissible under current law, but the Administration would be supportive of a legislative fix along these lines.

The NGA proposes that aged and disabled refugees not lose SSI and food stamps after five years of residence. Our budget proposal would lengthen the time period to seven years for SSI, but not food stamps.

Flexibility in TANF block grant. The Administration generally agrees with the NGA's desire to maintain funding and flexibility in the TANF block grant. The Administration, however, has the responsibility to interpret terms in the statute such as "eligible families" and "assistance" and will release guidance on this issue shortly. In addition, the Administration as yet has no position on the NGA's proposal that states be permitted to transfer more funds between TANF and Social Services Block Grant.

Restrictions on maintenance-of-effort funding. The Administration also generally agrees that the mass of federal restrictions should not apply to state maintenance-of-effort dollars. But the Administration is committed to ensuring that states not use their MOE programs as a way to evade the statute's work requirements. The Administration will issue administrative guidance and seek a legislative clarification to prevent such evasion, while otherwise supporting broad state discretion over maintenance-of-effort funds.

Cash assistance. The Administration has concerns about the NGA's position that only cash assistance should trigger the time limit and other federal requirements. Such a position could cause states to use vouchers and other devices to avoid these requirements. However, the Administration has not yet released guidance on this issue.

Waivers. The Administration concurs generally with the NGA's position that states should be able to operate under existing waivers. The Administration believes, however, that states should not use waivers to evade the fundamental requirements of the law for work and time-limited assistance. The Administration has told states that, although the law permits them

to continue their waivers, we will monitor their actions and work with Congress if we find waivers are being used to evade the purpose of the law.

Work requirements. The Administration does not support the NGA's proposal to count more activities toward the work requirements (additional weeks of job search and job readiness, education, drug and alcohol treatment). The Administration supports the law as written in this area.

Information System Requirements. The Administration does not support the NGA's proposal to reduce reporting requirements under the welfare law. The Administration has not yet reached a decision on whether to exclude reporting and other similar costs from the definition of administrative costs. The Administration also has not reached a position on the NGA's proposal that the Federal government provide funding and technical assistance to create an interstate tracking system for time limits, but probably will agree to support technical assistance to the states. The Administration does not support NGA's proposal for additional Federal funds for states to implement the law's information systems requirements; the Administration believes that the flexibility of the block grant should allow states to create necessary information systems.

Administrative costs. The Administration has not yet taken a position on the definition of administrative costs. HHS is currently working on a regulation that would define this term.

Good faith efforts. The Administration does not support the NGA's proposal that states making "good faith efforts" to comply with the law should not be subject to the law's penalties. HHS, however, will enforce penalties in a way that is sensitive to the challenges states are facing.

Contingency Fund. The Administration as yet has no position on the NGA's proposal to allow states to draw down more per month from the fund. The Administration opposes the NGA's proposal to relax the maintenance of effort requirement associated with the Fund. The Administration is sympathetic to the NGA's concern that certain states may get inappropriately low match rates under certain circumstances, but has not yet taken any action in this area.

Maintenance of Effort Requirement for SSI State Supplements. In the past, the Administration has opposed the NGA's proposal to repeal the maintenance of effort requirement for state supplements to the SSI program. Disability groups oppose this proposal.

## **HR37: Private Sector Health Care Reform**

The governors recognize the important progress toward national health care reform made by the Kassebaum-Kennedy law, including administrative simplification and encouragement of private long-term care insurance. The governors contend that in the absence of national health care reform, states should be allowed broad flexibility in developing reform policies. In particular, governors would like to have greater flexibility under ERISA to preserve the state's role in regulating health care insurance of all health plans, including plans that "self-insure" and multiple employer welfare arrangements. We are generally supportive of this approach, but have not proposed specific legislative initiatives.

**HR-38: HIV/AIDS**

The Administration generally concurs with the NGA's resolutions on HIV/AIDS.

**HR-39: Encouraging mentoring**

The Administration concurs with the NGA's proposal on encouraging mentoring.

## **EC-7: Long-Term Care**

Many of the governors' long-term care proposals are consistent with initiatives in the President's budget. For example, the governors ask for greater flexibility to enroll dual eligibles in managed care, and the President's plan would ease the waiver process for states to implement managed care. The governors ask that HMO payments be adjusted to encourage expansion of Medicare managed care, and the President's proposal would move toward a more uniform payment rate -- so that areas receiving excessive payments get less while areas receiving lower payments get more. Also, initiatives to improve access and affordability of private long-term care insurance are consistent with past actions by the Administration. For example, the governors' desire to improve consumer protections and improve the affordability of long-term care builds on the accomplishments set forth in the Kassebaum-Kennedy law. The Administration is generally supportive of such initiatives as long as they do not excessively increase the cost of insurance plans.

## **EC-8: Medicaid**

Not surprisingly, the governors seek to gain greater flexibility in administering the Medicaid program. In particular, the governors: (1) oppose a cap on federal Medicaid payments, (2) desire continued distribution of funding for disproportionate share payments through states, rather than federal formulas, (3) endorse greater state flexibility in moving to managed care and in using home and community-based waivers, (4) favor a repeal of the Boren amendment, (5) support federal, rather than state, responsibility for the costs of dual eligibles, and (6) encourage coordination with states to reach children eligible for Medicaid, who are not yet enrolled.

Although the President and the governors agree on a number of proposals (e.g., greater flexibility to move to managed care, a repeal of the Boren amendment, and a coordinated effort with states to enroll eligible children), there are two issues on which there is disagreement.

First, the President's budget will include a cap on federal Medicaid payments to protect excess growth. The governors will likely assert that there is no need to cap future federal Medicaid payments given recent declines in program growth. Currently, the NGA is considering two options on such expenditure caps: (1) to oppose any cap on Medicaid spending or (2) to oppose only those caps that do not provide for adequate state flexibility. We believe, however, that we can make the per capita cap more acceptable to the states by providing them with additional flexibility to administer the Medicaid program.

Second, the President's budget will reduce disproportionate share payments, and we are currently considering allocation models that make certain that dollars go directly to facilities that serve a high proportion of uninsured or underinsured individuals and/or a significant number of Medicaid beneficiaries.

### **EC-23: Protecting Victims' Rights**

The NGA urges Congress to pass a Constitutional amendment guaranteeing victim's rights. The President has announced his support for a constitutional amendment guaranteeing victims the right to be notified, to receive restitution, receive reasonable protection measures, and to be heard at sentencing and parole hearings.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1997 18:48:16.00

SUBJECT: Re: Just checking in

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

TEXT:

Thanks. I talked with Steve Silverman today, who also says great things about you. Thanks for your patience in this process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1997 15:58:34.00

SUBJECT: Re: Jay Winsten letter

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

TEXT:

I left a message for Jim Dorskind that Mike Cohen will be working on it.  
You should get in touch with him. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1997 12:49:08.00

SUBJECT: Re: executive memorandum

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

READ:UNKNOWN

TEXT:

I think so. It looks great. I don't have much to do to it at all. I'll give you a call later today or tomorrow

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-JAN-1997 15:59:47.00

SUBJECT: Re: executive memorandum

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

TEXT:

Great meeting, no? It gives us some things to talk about, I think.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-JAN-1997 13:43:59.00

SUBJECT: Re: Meeting with county officials re: welfare reform.

TO: John P. Hart ( CN=John P. Hart/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

looks fine.



## **Talking Points on Welfare Maintenance-of-Effort Issue**

Background: HHS issued guidance yesterday on whether federal restrictions attach to the use of state money counting toward the welfare law's "maintenance-of-effort" standard. The governors urged HHS to say that no federal restrictions apply, thus giving the states maximum flexibility. HHS largely adopted this approach, but made clear that it would take administrative and legislative action to ensure that states not use the discretion given to them as a way of getting around the welfare law's work requirements.

- We have given states broad flexibility to run their own welfare programs. This flexibility will allow states room to innovate and give them the ability to respond to local conditions and problems.
- But we will hold states to the central goal of welfare reform: moving people from welfare to work. We will take administrative action to discourage states from using their flexibility to get around the welfare law's work participation requirements. And we will work with Congress and the governors on a bipartisan basis to enact legislation that will prevent this kind of evasion.
- Our approach on this issue is a balanced effort to give states flexibility, but also to make states accountable for putting people to work.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-JAN-1997 07:40:55.00

SUBJECT: Re:

TO: Gordon Li ( CN=Gordon Li/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

I believe there was some talk of this at one time, but nothing more than talk -- and even the talk has now stopped. If you have further questions, feel free to call.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 1-FEB-1997 17:09:57.00

SUBJECT: Re: FLOTUS speaking to prayer breakfast on Weds. on welfare to work

TO: Pauline M. Abernathy ( CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

CC: John P. Hart ( CN=John P. Hart/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TEXT:  
yes, that's fine

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1997 17:13:53.00

SUBJECT: 0-3 stuff

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

TEXT:

1. Could you go to the meetings Carol mentioned in her e-mail to us and report back if anything interesting happens? Thanks.

2. I believe Bruce is going to have a discussion with the First Lady on dates for the 0-3 Conference. There's some thinking that it should be later than originally planned. I have your scheduling requests, which look great -- except that we are still indefinite on the timing. Let's wait for a bit more guidance before we turn them in.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-FEB-1997 17:46:21.00

SUBJECT: abortion

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

TEXT:

I think most of the matters we've been exchanging phone calls about (women's health, etc.) have taken care of themselves. The only outstanding issue is the DOJ response to abortion clinic violence. FYI: the DPC and Counsel's Office have jointly asked DOJ to examine its policy on protection of clinics and report back to us with any proposed changes. I'll let you know if anything important comes of this process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 3-FEB-1997 09:59:32.00

SUBJECT: Re: 0-3 stuff

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

TEXT:

You're way ahead of me. That's great. On the dates: we agree that there are dangers of seeming a johnny-come-lately. But especially if we want to link up the conference with real policy initiatives, there are also dangers of going ahead before we're really ready. We've been getting that message from a bunch of cabinet secretaries, and I think Bruce wants at least to reopen this question. Talk to you soon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1997 12:27:20.00

SUBJECT: Latest SOTU language

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

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

TEXT:

see attached

----- Forwarded by Elena Kagan/OPD/EOP on 02/04/97 12:24  
PM -----

Dennis K. Burke  
02/04/97 10:08:42 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: Latest SOTU language

One suggested change:

the brady sentence now reads: "that extends the Brady Bill so violent teenage criminals will not be able to buy handguns."

Teenagers are already prohibited from buying handguns. The Youth Handgun Safety Act in the 1994 Crime Bill made it illegal for anyone under 18 to have a gun (w/ certain hunting, parent, etc. exceptions).

What the provision in the Gang Bill would do is lead to a background check on juvenile records -- if the potential gun buyer committed a violent offense as a juvenile, it will now show up on the Brady check.

I think this sentence can be easily fixed by changing "not" to "never."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1997 14:46:10.00

SUBJECT: Re: adoption

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

TEXT:

Sounds great. I'll chair -- and I'd love a ghostwriter.



## **A CALL TO ACTION FOR AMERICAN EDUCATION IN THE 21ST CENTURY**

In his State of the Union address tonight, the President will make clear that his number one priority for the next four years is to ensure that Americans have the best education in the world. He will issue a 10-point call to action for American education in the 21st Century to enlist parents, teachers, students, business leaders, local and state officials in this effort:

- **Set rigorous national standards, with national tests in 4th grade reading and 8th grade math to make sure our children master the basics.** Every 4th grader should be able to read; every 8th grader should know basic math and algebra. To help make sure they do, the President is pledging the development of national tests in 4th grade reading and 8th grade math, and challenging every state and community to test every student in these critical areas by 1999. These tests will show how well students are doing compared to rigorous standards and to their peers around the country and the world. They will help parents know if their children are mastering critical basic skills early enough to succeed in school and in the workforce. Every state and school should also set guidelines for what students should know in all core subjects. We must end social promotion: Students should have to show what they've learned in order to move from grade school to middle school and from middle school to high school. We must make sure a high school diploma means something.
  
- **Make sure there's a talented and dedicated teacher in every classroom.** In addition to the talented and dedicated teachers already in the classroom, two million new teachers will be needed over the next ten years to replace retirees and accommodate rapidly growing student enrollments. We must take advantage of this opportunity to ensure teaching quality well into the 21st Century by challenging our most promising young people to consider teaching as a career, setting high standards for entering the teaching profession, and providing the highest quality preparation and training. We should reward good teachers, and quickly and fairly remove those few who don't measure up. The President's education budget will make it possible for 100,000 master teachers to achieve national certification from the National Board for Professional Teaching Standards over the next ten years.
  
- **Teach every student to read independently and well by the end of the 3rd grade.** Reading is the key to unlocking learning in all subjects. While America's 4th graders read on average as well as ever, more than 40 percent cannot read as well as they must to succeed later in school and in the workforce. Research shows that students unable to read well by the end of the 3rd grade are more likely to become school dropouts and truants,

and have fewer good options for jobs. The President's "America Reads" challenge is a nationwide effort to mobilize a citizen army of a million volunteer tutors to make sure every child can read independently by the end of the 3rd grade. Parents, teachers, college students, senior citizens, and others can all pitch in to give children extra help in reading during the afternoons, weekends, and summers. At the same time, schools must strengthen the teaching of reading in the school day, and the President's budget invests more in programs that address reading achievement in school.

**Expand Head Start and challenge parents to get involved early in their children's learning.** A child's learning begins long before he or she goes to school. That's why the President's budget expands Head Start to cover one million children by 2002. Parents are their children's first teachers, and every home should be a place of learning. The President and First Lady will convene a Conference this spring to review recent scientific discoveries on early child learning and to show how parents, teachers, and policymakers can use this new knowledge to benefit young children. And in June, the Vice President and Mrs. Gore will host their sixth annual family conference, and focus on the importance of parents' involvement throughout a child's education.

**Expand choice and accountability in public education.** The President has challenged every state to let parents choose the right public school for their children. Innovation, competition, and parental involvement will make our public schools better. We must do more to help teachers, parents, community groups, and other responsible organizations to start charter schools—innovative public schools that stay open only as long as they produce results and meet the highest standards. The President's budget doubles funding to help start charter schools so that there will be 3,000 charter schools at the dawn of the 21st Century, providing parents with more choices in public education.

**Make sure our schools are safe, disciplined and drug-free, and instill American values.** Students cannot learn in schools that are not safe and orderly and do not promote positive values. We must find effective ways to give children the safe and disciplined conditions they need to learn, such as by promoting smaller schools, fair and rigorously enforced discipline codes, and teacher training to deal with violence. We should continue to support communities that introduce school uniforms and character education, impose curfews, enforce truancy laws, remove disruptive students from the classroom, and have zero tolerance for guns and drugs. We should also keep schools open later as safe havens from gangs and drugs, expanding educational opportunities for young people in the afternoons, weekends, and summers, and providing peace of mind for working parents.

**Modernize school buildings and help support school construction.** Just as we face unprecedented and growing levels of student enrollment, a recent report by the General Accounting Office shows that a third of our nation's schools need major repair or outright replacement. To keep children from growing up in schools that are falling down, the Administration has proposed \$5 billion to help communities finance \$20 billion in needed school construction over the next four years.

**Open the doors of college to all who work hard and make the grade, and make the**

**13th and 14th years of education as universal as high school.** To prepare ourselves for the 21st Century, we must open the doors of college to all Americans and make at least two years of college as universal as high school is today. The President's HOPE scholarship, a \$1,500 tax credit for college tuition, would be enough to pay for a typical community college tuition or provide a solid down payment for four-year colleges and universities. The President also is proposing a \$10,000 tax deduction for any tuition after high school, an expanded IRA to allow families to save tax-free for college, and the largest increase in Pell Grants for deserving students in 20 years.

— **Help adults improve their education and skills by transforming the tangle of federal training programs into a simple skill grant.** Learning must last a lifetime, and all our people must have the chance to learn new skills. Adults should take on the responsibility of getting the education and training they need, and employers should support their efforts to do so. The President's G.I. bill for workers would provide a simple skill grant that would enable eligible workers to get the education and training they need.

— **Connect every classroom and library to the Internet by the year 2000 and help all students become technologically literate.** Our schools must now prepare for a transition as dramatic as the move from an agrarian to an industrial economy 100 years ago. We must connect every classroom and library to the Internet by the year 2000, so that all children have access to the best sources of information in the world. The President is proposing to double the funding for America's Technology Literacy Challenge, catalyzing private-public sector partnerships to put the Information Age at our children's fingertips. CEOs of some of America's most innovative technology and communications firms have already responded to the President's challenge to work with schools to get computers into the classroom, link schools to the Internet, develop effective educational software, and help train our teachers to be technologically literate.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1997 19:11:15.00

SUBJECT: Re: tomorrow's Reiner meeting

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

READ:UNKNOWN

TEXT:

This all seems exactly right. THANKS.



Question: If a church or other religious organization hires a new welfare recipient, can the religious organization receive whatever subsidy is given to any other private employer?

Answer: There are obviously tricky constitutional questions whenever a program involves governmental expenditures to religious organizations. But the goal of this Administration is to involve as many employers as possible in the effort to move people from welfare to work. And that means including as many employers as possible in any program to encourage employers to hire welfare recipients.

Background: The law in this area is uncertain. Much may depend on (1) whether the religious organization is "pervasively sectarian" under Supreme Court law (i.e., a church, rather than an organization affiliated with a church) and/or (2) whether the employee is being hired for religious purposes. We should be supportive of including religious organizations generally in employer subsidy programs, without committing ourselves to defending each and every payment that could be made to each and every religious organization under such a program.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 17:23:25.00

SUBJECT: speech

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

TEXT:

I meant what I said today (and what I told Liz last night): It was grand,  
and you should feel really proud.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 13:39:26.00

SUBJECT: 0-3

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

TO: Jeanine D. Smartt ( CN=Jeanine D. Smartt/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Pauline M. Abernathy ( CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

If there's anything that would be useful for me to have before our meeting, tomorrow please let me know (or just give it to me). If not, that's fine too.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-FEB-1997 13:28:22.00

SUBJECT: 0-3

TO: Jeanine D. Smartt ( CN=Jeanine D. Smartt/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TO: Pauline M. Abernathy ( CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

Can we all meet tomorrow at 4:30 in my office? Any later time would also  
be fine with me. thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1997 19:19:12.00

SUBJECT: Re: Toledo jeep

TO: Kevin M. O'Keefe ( CN=Kevin M. O'Keefe/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

If it's NEC they want, then you want Kathy Wallman. I know it's hard to keep track of all these relocating lawyers!!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-FEB-1997 09:29:49.00

SUBJECT: business roundtable

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

TO: Rahm I. Emanuel ( CN=Rahm I. Emanuel/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Michael D. McCurry ( CN=Michael D. McCurry/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TEXT:

Sylvia was right: the Business Roundtable is coming out with a statement today endorsing our standards and testing proposals. Apparently, the Roundtable has never taken positions on higher ed issues.



## **ADDITIONAL TALKING POINTS ON CHILDREN'S SSI**

- The Administration's position on this issue reflects the best understanding of Congressional intent.
- It is a bipartisan, middle ground position. It is not the position that disability advocates have urged on the Administration. But it is less harsh than a prior understanding of the law, under which 55,000 additional children would have been cut off.
- This interpretation ensures that severely disabled children and their families are protected under the new law, while tightening standards for the program in accord with congressional intent.
- In addition, the President is proposing legislation as part of his budget to allow all children who lose benefits as a result of this change to retain Medicaid. For many families on SSI, the most valuable part of their benefit is not the monthly cash payment, but Medicaid coverage.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-FEB-1997 10:52:06.00

SUBJECT: Re: Toledo jeep

TO: Kevin M. O'Keefe ( CN=Kevin M. O'Keefe/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

We're happy to do whatever you think should be done. I just thought that since they requested NEC, it should go over there first. But if you disagree, just let me know.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-FEB-1997 14:12:51.00

SUBJECT: Re: HHS adoption report

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

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

TO: Pauline M. Abernathy ( CN=Pauline M. Abernathy/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:

I'll do this right now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-FEB-1997 11:19:33.00

SUBJECT: Re: AFL LA trip mtg

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

READ:UNKNOWN

TEXT:

yes, thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-FEB-1997 18:59:41.00

SUBJECT: Re: FYI final version of education attachment

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

READ:UNKNOWN

TEXT:

thanks. looks good.



**Baltimore City funding controversy:** The state legislature will soon have to decide whether to approve a proposed settlement of a suit brought by Baltimore against the State, alleging unlawful disparities in school financing. Under the terms of the settlement, Baltimore will receive an additional \$40 million per year from the state in each of the next five years. In exchange, Baltimore will accept a new school board, which will be jointly appointed by the Mayor of Baltimore and the Governor of Maryland from a pool of candidates recommended by the State Board of Education. Legislators from Montgomery and Prince George's Counties have objected to the proposed settlement, arguing that it gives too much money to Baltimore. It is currently impossible to predict whether the state legislature will approve the settlement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 11:37:42.00

SUBJECT: Re: Affirmative action meeting

TO: Richard L. Hayes ( CN=Richard L. Hayes/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

OK by me. I'm checking with steve warnath from my office as well.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 11:55:56.00

SUBJECT: Re: Affirmative action meeting

TO: Richard L. Hayes ( CN=Richard L. Hayes/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:  
ok.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 08:25:44.00

SUBJECT: voluntarism summit

TO: Anne E. McGuire ( CN=Anne E. McGuire/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Diana Fortuna is coordinating the voluntarism summit. And sorry for not responding to your question earlier: my email was out for a bit, and then I just forgot.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-FEB-1997 12:42:28.00

SUBJECT: Re: interagency meeting

TO: Nicole R. Rabner ( Nicole R. Rabner @ EOP @ LNGTWY [ WHO ] )

READ:UNKNOWN

TEXT:

we usually have regular 4:00 meetings -- on education, welfare etc. how about 2:00 ojn one of those days?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 20:39:18.00

SUBJECT: Re: NEC and DPC principal meetings this week

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

TEXT:

Hmmm. DOT should have been notified. They should call Cathy Mays 66515.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 13:58:11.00

SUBJECT: Re: school to work

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

TEXT:

We put it in the 9th point, which is called "lifelong learning." As you probably know, the school-to-work program provides work-based learning to high school and college students, integrating academic and vocational instruction. We thought the program best fit in the "lifelong learning" section because of its job training aspect. (The other initiative discussed in that section is the GI Bill Skill Grant.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-FEB-1997 13:36:47.00

SUBJECT: Re: Patsy Fleming

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

READ:UNKNOWN

TEXT:

looks great



#### **4. Position on Beck legislation aimed at limiting the use of union dues in political activity**

The Republicans in Congress have made clear that they will try to attach a "Beck provision" to some piece of legislation that you want to sign. This provision (named after a Supreme Court case) would prevent a union from using compulsory dues for political purposes unless a union member specifically authorizes such use. It goes much further than current law, which allows a union to use dues for political activity except when a union member specifically objects and demands reimbursement. Unions correctly believe that the Republican Beck provision (there may be a Democratic version that simply codifies current law) would gravely interfere with their political activity. They would like the President to threaten a veto of such legislation.

**Proposal:** State strong opposition to Beck legislation, no matter what it is attached to, but refrain from making a veto threat.

**Pro:** This approach will make clear your vehement opposition to this legislation and will fortify Congressional Democrats in trying to defeat it. It will not, however, back you into a corner in the event Republicans succeed in attaching the Beck provision to some essential bill.

**Con:** The unions would prefer that you threaten a veto of any legislation containing a Beck provision.

**Recommendation:** John Hilley, Bruce Reed, and I all recommend that you state strong opposition to Beck legislation, no matter what it is attached to.

## 6. Welfare reform and minimum wage

The AFL will press the Vice President to take a position on whether worker protection statutes -- particularly the Fair Labor Standards Act (FLSA) -- apply to welfare recipients participating in work activities under the new welfare law. Bruce Reed and Ken Apfel of OMB have been running an interagency process (involving DOL, HHS, USDA, and others) to hammer out an answer to this question. The trick is to figure out how to apply the minimum wage law to welfare participants without imposing large new costs on states. Bruce and Ken are confident that a solution can be worked out that goes a fair way toward satisfying the unions, yet does not upset many governors. But they are a few weeks away from presenting this proposed solution to you. And everyone seems to agree that if the Vice President announces an Administration position favorable to the unions at the Council meeting, both the governors and the Congress could react very negatively. There is a danger that such an announcement would make a complex and studied welfare implementation decision look like a mere gift to the unions.

**Proposal:** The Vice President should not raise the minimum wage issue at the Council meeting. Members of the Vice President should give John Sweeney some private assurances that the Administration will soon put out its position and that the key questions -- most notably, whether welfare participants count as "employees" for purposes of the minimum wage law -- will come out his way. When asked about the issue, the Vice President should make a strong statement of principle that workers shouldn't be paid a subminimum wage, whether or not they come off the welfare rolls. But he should also be careful to note that the Administration is still in the process of developing its final positions on the complex issues arising from the intersection of the labor laws and welfare law.

**Pro:** This approach will minimize the likelihood of a backlash from governors and/or Congress, by giving the Administration time to refine its position so as to make it more palatable to the states and by issuing the position in a non-political setting.

**Con:** This approach will not fully satisfy members of the AFL Council, who would prefer a clear and public statement of the Administration's position at or prior to the Council meeting.

**Recommendation:** I recommend that you adopt Bruce and Ken's proposal on how to handle this issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 20:02:11.00

SUBJECT: Re: Family and Medical Leave Expansions

TO: Barbara D. Woolley ( CN=Barbara D. Woolley/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

me for now

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-FEB-1997 18:07:40.00

SUBJECT: Re: Cohen event conflict

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

TEXT:  
diana fortuna

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1997 09:44:50.00

SUBJECT: Re: Education/Budget Mtg

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

TEXT:  
nope.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:13-FEB-1997 09:46:24.00

SUBJECT: Re: Family and Medical Leave Expansions

TO: Barbara D. Woolley ( CN=Barbara D. Woolley/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

No. sorry. Leg affs probably would.



## **QUESTION AND ANSWER ON WELFARE REFORM AND THE MINIMUM WAGE**

Question: Is the Administration going to make clear that the Fair Labor Standards Act requires that at least the minimum wage be paid to welfare recipients participating in work activities?

Answer: This Administration is committed to moving people from welfare to work. It's also committed to making sure workers get at least the minimum wage for their efforts. Workers shouldn't be paid a subminimum wage, whether or not they come off the welfare rolls. But the Administration hasn't reached a final decision on the precise interaction between the Fair Labor Standards Act and the new welfare law. We expect to do so within the next few weeks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-FEB-1997 15:20:06.00

SUBJECT: Re: Resignation acceptance letter for Ellen Haas

TO: Diane Ikemiyashiro ( CN=Diane Ikemiyashiro/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

looks good.