

NLWJC - KAGAN

EMAILS CREATED

ARMS - BOX 014 - FOLDER 005

[1/6/1999 - 1/28/1999]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Mary Echaveste et al. Subject: baby names. (1 page)	01/11/1999	Personal Misfile
002. email	Elena Kagan to Richard Socarides re: Wednesday (1 page)	01/15/1999	Personal Misfile
003. email	Elena Kagan to Richard Socarides. Subject: Invitation. (1 page)	01/20/1999	Personal Misfile
004. email	Elena Kagan to June Turner. Subject: Invitation. (1 page)	01/20/1999	Personal Misfile
005. email	Elena Kagan to Laura Emmett. Subject: Farewell (2 pages)	01/26/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[01/06/1999 - 01/28/1999]

2009-1006-F

wr59

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: Welfare to Work event

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

TEXT:

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-JAN-1999 19:16:40.00

SUBJECT: FAREWELL TO CHRISTA ROBINSON

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

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 01/06/99 07:17
PM -----

Laura Emmett
01/06/99 07:10:24 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: FAREWELL TO CHRISTA ROBINSON

Please join us in wishing Christa Robinson Farewell on her last day at the White House

Before she departs to work at

Friday, January 8, 1999
Oval Room
6:00 PM- 8:00 PM

Please pass this message along to any one I missed
Also please delete this message after reading

Message Sent

- To: _____
- Huma M. Abedin/WHO/EOP
 - Devorah R. Adler/OPD/EOP
 - Brian A. Alcorn/WHO/EOP
 - Brenda M. Anders/WHO/EOP
 - Wendy Arends/WHO/EOP
 - Robin J. Bachman/WHO/EOP
 - Douglas J. Band/WHO/EOP

Beverly J. Barnes/WHO/EOP
Brian A. Barreto/OPD/EOP
David S. Beaubaire/WHO/EOP
Paul E. Begala/WHO/EOP
Leslie Bernstein/WHO/EOP
Maya A. Bernstein/OMB/EOP
Marsha E. Berry/WHO/EOP
Debra D. Bird/WHO/EOP
Sidney Blumenthal/WHO/EOP
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Jocelyn A. Bucaro/WHO/EOP
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Justin Coleman/WHO/EOP
Julianne B. Corbett/WHO/EOP
Brenda B. Costello/WHO/EOP
Gregory B. Craig/WHO/EOP
Betty W. Currie/WHO/EOP
Lynn G. Cutler/WHO/EOP
Heather L. Davis/WHO/EOP
Laura K. Demeo/WHO/EOP
Jackson T. Dunn/WHO/EOP
Fred DuVal/WHO/EOP
Maria Echaveste/WHO/EOP
Nicole L. Elkon/NSC/EOP
Adriene K. Elrod/ONDCEP/EOP
Laura Emmett/WHO/EOP
Paul K. Engskov/WHO/EOP
Joseph C. Fanaroff/WHO/EOP
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Thomas L. Freedman/OPD/EOP
Bronson J. Frick/WHO/EOP
Sarah E. Gegenheimer/WHO/EOP
Jessica L. Gibson/WHO/EOP
Paul D. Glastris/WHO/EOP
Dario J. Gomez/WHO/EOP
David R. Goodfriend/WHO/EOP
Joshua S. Gottheimer/WHO/EOP
J. Eric Gould/OPD/EOP
Melissa G. Green/OPD/EOP
Nancy V. Hernreich/WHO/EOP
Daniel S. Holt/WHO/EOP
Eric P. Hothem/WHO/EOP
Edward F. Hughes/WHO/EOP
Mickey Ibarra/WHO/EOP
Thomas D. Janenda/WHO/EOP
Christopher C. Jennings/OPD/EOP
Jon P. Jennings/WHO/EOP
Broderick Johnson/WHO/EOP
Teresa M. Jones/OPD/EOP
Eli P. Joseph/WHO/EOP

Gay L. Joshlyn/OPD/EOP
Elena Kagan/OPD/EOP
Andrea Kane/OPD/EOP
Jonathan A. Kaplan/OPD/EOP
Sally Katzen/OPD/EOP
Janis F. Kearney/WHO/EOP
Jennifer L. Klein/OPD/EOP
Lisa M. Kountoupes/WHO/EOP
Karin Kullman/WHO/EOP
Jeanne Lambrew/OPD/EOP
Sara M. Latham/WHO/EOP
Christopher J. Lavery/WHO/EOP
David C. Leavy/NSC/EOP
Lisa J. Levin/WHO/EOP
Ann F. Lewis/WHO/EOP
Joseph P. Lockhart/WHO/EOP
Chantell S. Long/OPD/EOP
Alphonse J. Maldon/WHO/EOP
Sean P. Maloney/WHO/EOP
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Cathy R. Mays/OPD/EOP
Noa A. Meyer/WHO/EOP
Cheryl D. Mills/WHO/EOP
Elisa Millsap/WHO/EOP
Rajiv Y. Mody/WHO/EOP
Mona G. Mohib/WHO/EOP
Deborah B. Mohile/WHO/EOP
Megan C. Moloney/WHO/EOP
Kevin S. Moran/WHO/EOP
Mary Morrison/WHO/EOP
Janet Murguia/WHO/EOP
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Mindy E. Myers/WHO/EOP
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Bob J. Nash/WHO/EOP
Elizabeth R. Newman/WHO/EOP
Dimitri J. Nionakis/WHO/EOP
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Tracy Pakulniewicz/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Julia M. Payne/WHO/EOP
Charles J. Payson/WHO/EOP
Skye S. Philbrick/WHO/EOP
John Podesta/WHO/EOP
Jaycee A. Pribulsky/WHO/EOP
Jonathan M. Prince/WHO/EOP
Melissa J. Prober/WHO/EOP
Nicole R. Rabner/WHO/EOP
Ashley L. Raines/OA/EOP
Joseph D. Ratner/WHO/EOP
Bruce N. Reed/OPD/EOP
Steve Ricchetti/WHO/EOP
Linda Ricci/OMB/EOP
Cynthia A. Rice/OPD/EOP
Heather M. Riley/WHO/EOP

Jade L Riley/WHO/EOP
Virginia N. Rustique/WHO/EOP
Evan Ryan/WHO/EOP
Roger V. Salazar/WHO/EOP
Jason H. Schechter/WHO/EOP
Jonathan H. Schnur/OPD/EOP
Marsha Scott/WHO/EOP
Maya Seiden/WHO/EOP
Ruby Shamir/WHO/EOP
Maureen T. Shea/WHO/EOP
Jeffrey A. Shesol/WHO/EOP
June Shih/WHO/EOP
Leanne A. Shimabukuro/OPD/EOP
Clara J. Shin/WHO/EOP
Jake Siewert/OPD/EOP
Dawn L. Smalls/WHO/EOP
Jonathan E. Smith/WHO/EOP
Richard Socarides/WHO/EOP
Patricia Solis-Doyle/WHO/EOP
Douglas B. Sosnik/WHO/EOP
Maria E. Soto/WHO/EOP
Chandler G. Spaulding/WHO/EOP
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Elisabeth Steele/WHO/EOP
Aviva Steinberg/WHO/EOP
Todd Stern/WHO/EOP
Stephanie S. Streett/WHO/EOP
Todd A. Summers/OPD/EOP
Jordan Tamagni/WHO/EOP
Neera Tanden/WHO/EOP
Marjorie Tarmey/WHO/EOP
Tracey E. Thornton/WHO/EOP
Sandra Thurman/OPD/EOP
Barry J. Toiv/WHO/EOP
Karen Tramontano/WHO/EOP
June G. Turner/WHO/EOP
Wayne Upshaw/OMB/EOP
Dag Vega/WHO/EOP
Michael Waldman/WHO/EOP
Rebecca L. Walldorff/WHO/EOP
Setti D. Warren/WHO/EOP
Essence P. Washington/OPD/EOP
Glen M. Weiner/WHO/EOP
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Amy Weiss/WHO/EOP
Lowell A. Weiss/WHO/EOP
Peter A. Weissman/OPD/EOP
William H. White Jr./WHO/EOP
Kim B. Widdess/WHO/EOP
Cecily C. Williams/WHO/EOP
Courtland L. Willman/WHO/EOP
William K. Winkler/WHO/EOP
Carolyn T. Wu/WHO/EOP
Sharon H. Yuan/OPD/EOP
Tanya E. Martin/OPD/EOP
Mary L. Smith/OPD/EOP
JDaves @ fcc.gov
Joshua.ackil @ mail.house.gov
Jdemeo @ washsports.com @ inet
ELenzner @ aol.com @ inet

Jaime.Uzeta @ mail.doc.gov @ inet
Phillip Caplan/WHO/EOP
Robert Rosen/WHO/EOP
Laura D. Schwartz/WHO/EOP

Use of Funds for Embryo Research—Limitations

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

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: randam idea

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

READ:UNKNOWN

TEXT:

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: Papal Visit

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

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

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

TEXT:
Nicole Rabner. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-JAN-1999 16:54:42.00

SUBJECT: Choice Initiatives 2000 Budget

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

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 01/07/99 03:47
AM -----

Tanya E. Martin
01/08/99 04:47:19 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc:
Subject: Choice Initiatives 2000 Budget

Choice00 -- one page summarizing the choice initiatives in the FY 2000 budget.

Examples - descriptions of various work-site schools, as well as a district that has inter-district magnet schools.

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D41]MAIL499483905.036 to ASCII,
The following is a HEX DUMP:

FF575043FA040000010A0201000000020500000002C140000000200003A8DB3E94BE4D60EC49617
8A6F9023F84ADFDEF2CFEB4E24F7344D2D1204B6723DB8779487B95DBA05ECCE5BDEEFEA85C01D
F631001916738FCA99EFD9D851C49940D16ACDD458D8DEAE0BD9B5713483CBE379F3667F85A690
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71E6F66FC3A92975459D4DA75E293764D2161AFD0A0B4E5C96E5C21ACA8D8DDB0E6D16B58DF36F
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CEAAEE7A1FE16E778BFF29A6B3E39F709711504B41F3E6FC442073B4AF0B49FD4373507EACA6FC
66A552FC388D2AEA8D27AA1F4B1C28582CAFF7CA543D4198D0615534D9EA8BC5C3C5FBD6DFF444
9E17CE917369282862DCE18CF52AED2BF087634AABB6BECEBFA1DB5678C8C26124B21180D236DF
0706F43223435F28AFA8D9AA5C1BF98F684E9E2004FFDAD3D3A4AC0C933E1634A7E38295162A35
63D8D63FAB647B94B3426E0BCA3E3DD94775F068C1E6BC9E0ACD87C597AE02CF5BE419C748B93E
5E28F40E9B6B710E90F44673A8A7F394141E3C1DAAE64F5BB16BEA2747B0565E488F23F260FD5E
8142D4F43170A31F5735CA64AA97E49C08638D13419A68EB9AA5E125DE6EBBA5BF88CB5DCA6B3A
3DE8D5E31102000B0000000000000000000000000823010000000B0100009A020000005502000100
4E000000A503000009250100000006000000F30300000B300200000028000000F9030000081601
000000320000002104000008050100000008000000530400000055010001003C0000005B040000
087701000000400000009704000008340100000014000000D70400000802010000000F000000EB
04000000984C006F00630061006C0020005000720069006E007400650072000000000000000000

\$55 million to Expand Public School Choice.

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

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

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

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

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

Work-Site Satellite School Examples:

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

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

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

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

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

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

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

Inter-District Magnet School Example:

New Haven, CT.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: MLK Day of Service

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

READ:UNKNOWN

TEXT:

very diplomatic.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

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

SUBJECT: RECEIVED: NARAL

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

TEXT:
RETURN RECEIPT

Your Document:

NARAL

was successfully received by:

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

at:

01/11/99 03:45:06 PM

Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Mary Echaveste et al. Subject: baby names. (1 page)	01/11/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[01/06/1999 - 01/28/1999]

2009-1006-F

wr59

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) 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]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: Clinic Safety

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

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

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: fyi

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

READ:UNKNOWN

TEXT:

many thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: treasury

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

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

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

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

TEXT:

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

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

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

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

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

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

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

TEXT:

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

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

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

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

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

On Medicaid recoupment, I think he's totally wrong, but what about proposing back

"work with the states and the Congress to enact tobacco legislation that, among other things, resolves these federal claims in exchange for a commitment by the states to use tobacco money to fulfill national commitments to support national and state priorities including for efforts to reduce youth smoking, public health and children's programs, and affected rural communities"

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: partial birth abortion form letters

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

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

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

TEXT:

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

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

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

To: Elena Kagan/OPD/EOP

cc:

Subject: partial birth abortion form letters

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: Family message meeting

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

sure

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

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

SUBJECT: RECEIVED: partial birth abortion form letters

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

TEXT:
RETURN RECEIPT

Your Document:
partial birth abortion form letters
was successfully received by:
CN=Elena Kagan/OU=OPD/O=EOP
at:
01/12/99 12:32:10 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: Tomorrow's event

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

TEXT:

Yes. It's a disabilities package.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: TV Meeting

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

READ:UNKNOWN

TEXT:

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

Heather M. Riley

01/13/99 03:13:25 PM

Record Type: Record

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

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

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

Heather M. Riley

01/13/99 02:39:48 PM

Record Type: Record

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

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

Message Sent

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

Message Sent

To:

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: Child Care

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

TEXT:

sure. but what else is in the works?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: Crime Event

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

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

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

TEXT:

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: Re: COPS leak

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

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

CC: Sarah E. Gegenheimer (CN=Sarah E. Gegenheimer/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

TEXT:

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

SUBJECT: TV Meeting

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

READ:UNKNOWN

TEXT:

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

Heather M. Riley

01/13/99 02:39:48 PM

Record Type: Record

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

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

Message Sent

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JAN-1999 11:56:32.00

SUBJECT: TV Meeting

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/14/99 11:57 AM -----

Heather M. Riley

01/14/99 10:26:27 AM
Record Type: Record

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

Can we try for 12:00 for this TV Meeting--Joe's office

Message Sent

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JAN-1999 11:57:55.00

SUBJECT: Re:

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

TEXT:

Not that I ever think in terms of winning and losing. Especially when I had convinced myself that this really didn'tmatter either way. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JAN-1999 15:34:00.00

SUBJECT: tobacco farmers in the sotu

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

TEXT:

yes, the President will do this. Thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 01/14/99 03:34 PM -----

Lisa M. Kountoupes
01/14/99 03:07:28 PM
Record Type: Record

To: Elena Kagan/OPD/EOP
cc: Cynthia A. Rice/OPD/EOP, Thomas L. Freedman/OPD/EOP
Subject: tobacco farmers in the sotu

In the course of the calls last night, it was suggested to me by hill offices that the potus say something in the sotu, as he did last year, favorable about the tobacco farmers. (especially since we are not including funding for them in the budget this year) this may already be in there, but wanted to make a plut for it. it apparetly went a long way last year with the tobacco farmers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JAN-1999 09:56:35.00

SUBJECT: Re: NEC Edley memo

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

READ:UNKNOWN

TEXT:

Here it is. I'm OK whichever way you go. If you put the memos together, just make the combined one from Bruce and Gene (i.e., take Mike's name off) and make clear somehow which part is primarily DPC and which part is primarily NEC,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

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

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

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

TEXT:

please print

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

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

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

cc:

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

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

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

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

Total Pages: _____

LRM ID: MNB2
 EXECUTIVE OFFICE OF THE PRESIDENT
 OFFICE OF MANAGEMENT AND BUDGET
 Washington, D.C. 20503-0001

Thursday, January 14, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Melissa N. Benton

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

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

DEADLINE: COB Tuesday, January 19, 1999

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

COMMENTS:

A BILL

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

SECTION 1. SHORT TITLE; REFERENCE.

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

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

SEC. 2. AGRICULTURAL EMPLOYMENT.

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

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

"(1) The provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture, if such employee is employed by his or her parent or legal guardian, on a farm owned or operated by such parent or legal guardian.";

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

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

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

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

SEC. 3. PEDDLING BY CHILDREN.

(a) FAIR LABOR STANDARDS ACT COVERAGE-

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

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

"(y) 'Peddling by children' means employees under 16 years of age selling goods or services to customers at their residences, places of business, or public places such as street corners or public transportation stations. 'Peddling by children' does not include the activities of persons who, as volunteers, sell goods or services on behalf of not-for-profit organizations."

(b) DEFINITION OF OPPRESSIVE CHILD LABOR- Section 3(1) (29 U.S.C. 203(1)) is amended by inserting in the first sentence after "occupation other than" and in the last sentence after

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

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

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

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

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

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

years, or both, in the case of a willful or repeat violation that results in or contributes to a fatality of a minor employee or a permanent disability of a minor employee, or a violation which is related to a condition which serves as the basis for a criminal violation of any other provision of this Act or of any other Federal or State law."

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

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

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

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

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

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

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

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

SEC. 5. GOODS TAINTED BY OPPRESSIVE CHILD LABOR.

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

SEC. 6. COORDINATION.

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

"(g) The Secretary shall encourage and establish closer working relationships with non-governmental organizations and with State and local government agencies having responsibility

and authority for administering and enforcing labor and safety and health laws. Upon the request of the Secretary, and to the extent permissible under applicable law, State and local government agencies with information regarding injuries and deaths of employees shall submit such information to the Secretary for use as appropriate in the enforcement of section 12 and in the promulgation and interpretation of the regulations and orders authorized by section 3(1). The Secretary may reimburse such State and local government agencies for such services."

SEC. 7. REGULATIONS AND MEMORANDUM OF UNDERSTANDING.

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

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

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

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

01/12/99 DRAFT

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

SECTION 1. SHORT TITLE; REFERENCE.

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

SECTION 2. AGRICULTURAL EMPLOYMENT.

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

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

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

SECTION 3. PEDDLING BY CHILDREN.

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

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

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

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

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

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

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

SECTION 5. GOODS TAINTED BY OPPRESSIVE CHILD LABOR.

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

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

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

SECTION 6. COORDINATION.

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

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

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

SECTION 7. REGULATIONS AND MEMORANDUM OF UNDERSTANDING.

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

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

SECTION 8. AUTHORIZATION OF APPROPRIATIONS.

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

January 13, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Mike Cohen

SUBJECT: Education Issues in Chris Edley's Memo

The attached memo from Chris Edley argues that our ESEA proposals do not go far enough in holding states and school districts accountable for results, while going too far in trying to end social promotion. We respectfully disagree with both criticisms, and believe that the alternative proposal Chris lays out is unlikely to achieve our policy objectives. Both the Department of Education and OMB share our views respecting these matters.

A. Ensuring Accountability

With all due respect to Chris, our ESEA proposal is simply not "too soft." The proposal requires all states -- on penalty of losing ESEA funds -- to identify and intervene in failing schools (including in appropriate cases by reconstituting or closing these school), prevent the use of unqualified teachers, end social promotion (more on this below), and issue school report cards. In short, our proposals require states to put into place the set of education reform measures that every recent study tells us works. In addition, our proposal includes specific, appropriate, and feasible bonuses and penalties for performance. At your request, we have developed a new mechanism for providing extra money to schools that make progress on state assessments over several consecutive years. Also in response to your concerns, we have developed a plan to deny administrative cost-sharing to school districts that do not make adequate progress.

It is important to understand two ways in which this proposal diverges from Chris's. First, Chris's proposal would leave Title I and all other programs now authorized under ESEA completely untouched. His proposal relates only to a currently non-existent funding stream, which is unlikely for many years (if ever) to comprise a substantial percentage of federal education funding. Second, Chris's proposal includes no requirements for specific school reforms; it is instead a block grant -- albeit one that can be taken away in certain circumstances -- for a broadly defined educational purpose (reducing racial disparities). Chris would make a virtue of this approach, arguing that it is more "Presidential." But we have never accepted the view that the federal government should leave all education policy decisions to the states; to the contrary, we have tried to use our education dollars to get the states to adopt certain policies we believe will improve performance (for example, reducing class size and modernizing facilities). As Chris himself concedes, we increasingly know what works in this area -- and we know that

too few states are implementing these policies. To rely only on a far-off threat of removing federal money -- a threat that both past practice and common sense suggests is not altogether credible -- is to deprive the federal government of much of its leverage.

B. Ending Social Promotion

Our proposal to end social promotion is sound and will be effective. We do not share Chris's view that ending social promotion is "a distraction" from your education reform agenda. On the contrary, it is a central part of holding schools, teachers and students accountable for results, as you demonstrated in Arkansas and as Chicago, Boston, and other communities are demonstrating today. The policy focuses the attention of students, parents, teachers, schools, and entire school systems on getting students to meet standards, which is the core goal of our education policy. Recall that in Arkansas, passing rates on the eighth grade reading and math tests went from about 83 to about 96 percent once a no-social-promotion was put into effect.

We do not doubt that our proposal will be controversial in some quarters, particularly in the traditional civil rights community. Chris is right to note that some members of this community oppose the use of tests to hold students accountable for performance under almost any circumstance. They will not be happy with any policy to end social promotion that goes beyond paying lip-service to this goal.

We believe that the best way to respond to the concerns of the civil rights community is to insist that states and school districts end social promotion *the right way*. This means, as you have always said, coupling no-social-promotion policies with other steps to strengthen learning opportunities in the classroom, such as extended learning time for students who need it. It also means ensuring enforcement of the civil rights laws and putting in safeguards to prevent abuses. Our proposal that the Department of Education review and approve state plans to end social promotion -- as well as our proposal that states take up to five years to phase in these plans -- should help to ensure high-quality implementation. (By contrast, if we do nothing in this area, some states will adopt irresponsible ways of ending social promotion.) We may not be able entirely to persuade Chris and others, but we believe that our continued insistence on ending social promotion policy the right way will blunt their objections.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:14-JAN-1999 13:28:40.00

SUBJECT:

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

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

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

TEXT:

If they're fine with this, we're fine with it (though if they would prefer to be briefed today, we might still be able to do it). Chris is the indispensable person, so you have to check his schedule. Thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 01/14/99 01:27 PM -----

Fred Duval 01/14/99 01:19:19 PM

Record Type: Record

To: Christopher C. Jennings/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP

cc:

Subject:

I have taken the liberty of taking a postponement from NGA. Mickey and I are scheduled for 45 minutes Tues am at 10:30 to do an overall SOTU briefing. Want to add one of you to join us and do tobacco at that time? Gives us a little more time. What do you think?

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Elena Kagan to Richard Socarides re: Wednesday (1 page)	01/15/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[01/06/1999 - 01/28/1999]

2009-1006-F

wr59

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]

PRESIDENT CLINTON'S PLAN TO STRENGTHEN ACCOUNTABILITY FOR RESULTS IN EDUCATION

In his State of the Union Address, President Clinton will announce a package of accountability measures designed to hold students, teachers, and schools to high standards, and to ensure that school districts and states provide students with a high quality education. These proposals will help to lift student achievement in every public school and close the opportunity gap by giving special attention to disadvantaged students in low-performing schools.

The President's plan marks a sea change in national education policy -- for the first time holding states and school districts accountable for progress and rewarding them for results. While insisting that states and local governments retain primary responsibility for education, President Clinton will call on Congress to make sure federal dollars support what works and not what doesn't. His proposal emphasizes reforms that a growing number of states, cities, and schools across the nation are implementing and that are producing clear results.

Specifically, the President will announce that he will send Congress legislation to reauthorize the Elementary and Secondary Education Act to ensure that schools end social promotion; teachers are qualified to teach the subjects they are assigned; states turn around their lowest-performing schools; parents get annual report cards on school performance; and schools institute effective discipline policies.

End Social Promotion. The President's proposal will require states and school districts to end social promotion -- the practice of promoting students from grade to grade regardless of whether they have mastered the appropriate material and are academically prepared to do the work at the next level. Students who are promoted without regard to their achievement fall even further behind their classmates, and are more likely to lack basic skills upon graduating from high school.

To ensure that this requirement helps more students succeed, rather than simply increasing the number held back, states and school districts would have to show how they will help students meet promotion standards on time by (1) strengthening learning opportunities in the classroom with clear standards, small classes with well-prepared teachers, high quality professional development, and use of proven instructional practices; (2) identifying students who need help at the earliest possible moment; (3) providing extended learning time, including after-school and summer school for students who need extra help; and (4) developing an effective remedial plan, with intensive intervention, for students who still do not meet the standards, so they can get back on track in their schooling.

In 1996 President Clinton challenged every state and school district to **adopt policies to end social promotion and require students to pass high school graduation exams. Twenty six states now have high school exit exams, and last year four states adopted policies to stop promoting unprepared students from grade to grade. A growing number of urban school districts, including Boston, Philadelphia, New York City, and Washington D.C. are**

adopting similar policies. In Chicago, which three years ago ended the practice of social promotion in a way that gives students who need it substantial extended learning time, citywide math and reading scores have gone up every year, with the largest gains among the most disadvantaged students. President Clinton's FY 2000 budget proposes to triple federal funding for after-school and summer school programs (from \$200 million to \$600 million) to help schools ending social promotion give students the extra help they need to succeed.

Put Qualified Teachers in the Classroom. According to the National Commission on Teaching and America's Future, one of the most important factors in improving student achievement is the knowledge and skills teachers bring to the classroom. Yet every year, approximately 50,000 individuals teach on "emergency" certificates, which means they do not meet the standards the state has set for certification. In addition, numerous teachers teach subjects for which they lack adequate preparation, with fully one quarter of secondary school teachers lacking even a minor in their main teaching field. Students in schools with the highest concentrations of poverty -- those who often need the most help from the best teachers -- are most likely to be in classrooms with teachers who are not fully qualified: for example, in schools with the highest minority enrollment, students have a less than 50 percent chance of having a math or science teacher with a license and degree in the field.

The President's proposal will require states to adopt performance examinations for all new teachers, requiring them to demonstrate both subject-matter knowledge and teaching expertise. The proposal also will require states and school districts to phase out, over five years, the use of teachers with emergency certificates and the practice of assigning teachers to subjects for which they lack adequate preparation. To support these new teacher quality standards, the proposal will provide resources to help states strengthen teacher certification standards, test new teachers, provide training to current teachers, and give incentives to recruit more highly qualified teachers.

Turn Around Low Performing Schools. The President's proposal will require states to identify the schools with the lowest achievement levels and least improvement and take corrective action to turn them around. These corrective actions, based on a careful assessment of each school's needs, would include steps such as intensive teacher training, support to improve school discipline, and the implementation of proven approaches to school reform. If these actions do not result in improved student achievement within two years, the proposal would require states to take additional corrective actions, such as permitting students to attend other public schools; reconstituting the school, by fairly evaluating the staff and making staff changes as appropriate; or closing the school and reopening it as a charter school or with an entirely new staff. Nineteen states currently take similar actions to help improve low-performing schools, and experience demonstrates that when these interventions carefully implemented and accompanied by the resources to support change, schools improve and student achievement increases. The President's FY 2000 budget contains \$200 million to help states begin taking these steps immediately.

Issue School Report Cards. The President's proposal will require states to distribute to all parents annual report cards for each school and school district, as well as the state as a whole.

The report cards will include information on student achievement, teacher professional qualifications, class size, school safety, and other factors that will help parents to judge the performance of the schools. Where appropriate, the report cards also will show the academic achievement of ethnic and racial subgroups, to ensure accountability for helping all students achieve. Thirty-six states currently publish or require local school districts to publish school report cards, and five additional states will begin the practice in the next two years. A recent report by Public Agenda, however, shows that only 31 percent of parents had seen these report cards. The President's proposal will help ensure that all parents in all states have access to the information they need to evaluate the quality of their schools and identify the areas in which improvement is needed.

Adopt Discipline Policies. Schools must be a place of learning. President Clinton already has challenged states, communities, and schools to take a number of steps to restore order and safety, such as adopting school uniforms, enforcing truancy laws, and imposing curfews. But in some schools, the breakdown of classroom discipline remains one of the biggest obstacles to learning and one of the greatest concerns for teachers, students, and parents alike. The President's proposal will require states and school districts to adopt discipline policies to make sure students have the chance to learn and teachers have the chance to teach.

Talking Points on New York Times Education Article

- The New York Times headline writer got the President's proposal wrong. The President isn't going to be proposing a national superintendent of education. He is going to be proposing significant education reforms to promote accountability for results in public schools across the nation.
- The President believes that states and localities should continue to have primary responsibility for education and should have flexibility to decide what to teach and how to teach it.
- But the President also believes that we should hold schools accountable for results. For our children's sake, we should invest in what works and not in what doesn't. We should put into place the accountability measures that study after study shows produce results and increase student achievement.
- Here's what we're saying:
 - Schools should end social promotion -- the practice of moving children from grade to grade regardless whether they've learned the subject;
 - Teachers should be qualified to teach the subjects they are assigned to teach, and new teachers should have to pass performance and subject matter tests to show they can do so;
 - States have a responsibility to turn around their lowest-performing schools through intensive intervention, and if necessary by making significant staff changes and/or closing the school and reopening it as a charter school;
 - Parents should get annual report cards for every school and school district so they can see how well the schools are working and be able to make informed choices; and
 - Schools should institute strict discipline codes so that they can be places of learning.
- A growing number of states, cities, and schools are implementing these reforms. They are, almost without exception, the places making the biggest student achievement gains. The President wants to ensure that all our children reap the rewards of these accountability measures.
- The President is determined to stand for these common-sense principles -- to demand accountability and to make sure that taxpayers' money is used wisely and well, rather than to subsidize educational failure. He believes these principles will benefit our children. And he will be glad to debate anyone who thinks that they are the wrong principles for a 21st century American education.

Education Accountability Q's and A's

Q. Why is the President proposing these new accountability requirements now?

A. Later this Spring the President will send to Congress his proposal to reauthorize the Elementary and Secondary Education Act. This is the right time to make changes in federal education policy.

In preparation for this, the Education Department has undertaken a review of education policy and performance nationwide, and of the ways in which federal education programs can be strengthened. Based on this analysis--confirmed by an independent report released last week by the trade publication Education Week -- we know that states and school districts have made great progress in raising academic standards for students, but have not made the same progress in making these standards count, for students, schools or educators.

For example, only 26 states require students to pass high school graduation exams, and far fewer have policies preventing unprepared students from being promoted. Only nineteen states have policies in place to intervene in low performing schools, and take responsibility for turning them around. Every year, approximately 50,000 individuals teach on "emergency" certificates, which means that they do not meet the standards states themselves have set for beginning teachers. The vast majority of these individuals wind up teaching in our schools with the largest concentrations of poverty, so that the most disadvantaged students, who need the best teachers, are instead more likely to have the least well prepared teachers.

The President is convinced that the only way that students will be able to meet the higher standards that have been set for them is if educators, schools, school systems, states and the students themselves are held accountable. That is why he is proposing these requirements now.

Q. Does this proposal mean that states that do not adopt these policies will lose their share of federal education funds?

A. By making these accountability mechanisms -- providing school report cards, ending social promotions, ensuring that teachers meet state standards and intervening in failing schools -- a requirement of receiving funds under the Elementary and Secondary Education Act, we fully expect that states will adopt them, just as states have complied with the accountability requirements in Goals 2000 and the current ESEA to adopt academic standards and measure student performance in meeting the standards. Governors of both parties, state and local school superintendents, and other educators are actively pursuing these throughout the country. Many states are already implementing these policies, and our proposals, if enacted into law, will speed up that process and spread it to all states.

Q. But what if they don't comply? What will you do then? Will the Education Department withhold federal education funds?

A. Again, we think these are reasonable requirements, and we expect states to comply. As with any other domestic grant program, the federal government is able to, and must, attach conditions to the grant to ensure that the funds are spent effectively and achieve the intended results. These accountability requirements are intended to do just that.

As in other domestic grant programs, there are a range of options available to the Secretary of Education to ensure compliance with these requirements. Often working with state officials or using the bully pulpit is an effective way to gain compliance. In addition, the Secretary always has the ability to deploy a graduated series of sanctions, consistent with procedural safeguards [including specifically the right of states or districts to appeal], including withholding funds the state or school system uses for administering these programs, withholding a portion of the program funds, or, ultimately, withholding all of the funds.

Q. Isn't this exactly the kind of "federal power grab" that Republican's in Congress complain about with regard to the federal role in education. Doesn't this amount to a federal takeover of education?

A. No. These are accountability requirements--many of which state and local school systems are already implementing or considering--that are necessary to ensure that federal funds have their intended effect. After all, Title 1 funds, targeted to disadvantaged schools, can't provide the full measure of help if states permit unqualified candidates to become teachers.

Q. Are you concerned that the requirement to end social promotion will lead to an increase in retention rates, especially for minority youngsters? Won't you have a problem with the civil rights community on this?

A. If all we did was wave a magic wand and say "don't promote anyone who doesn't meet the standards" this fear would be warranted. But our policy will require that states and school districts phase in this requirement over time and use that time to reduce class size, provide more training to teachers, and provide extra help to students who need it. The President's FY 2000 budget will help, by tripling funding (from \$200 to \$600 million) for after-school and summer-school programs that can provide extra help to students who need it.

Q. Many of the school systems that hire teachers on emergency credentials are big cities--which have a hard time attracting more qualified teachers. What will they do to find teachers if you end that practice?

A. First, our biggest cities--and our poorest rural areas--have the greatest difficulty attracting

fully qualified teachers, and are therefore most likely to hire teachers on emergency credential. Our most disadvantaged students suffer the most from this practice, because they get the least qualified teachers. That is why it is so important to end this practice.

It is not feasible to end it immediately. That is why we would require that the practice be phased out over five years.

We also provide help for school districts to phase out this practice. For example, the President's proposal to reduce class size allows school systems to use up to 15% of the funds to recruit and better train teachers--so they can hire fully certified teachers in the first place, or give them the training to bring them up to standards after they are hired. And creating smaller, more manageable classes will make it easier to attract good people into teaching. The President's budget will contain an increase in funding for teacher recruitment programs included in last year's Higher Education Act, a program that provides scholarships to prospective teachers who commit to teach in high poverty communities.

Ultimately, though, while the federal government can and will help, this is a state and local responsibility. They set the standards for entering the profession, and they hire the teachers. By hiring teachers who don't meet the standards, our most disadvantaged students are hurt the most. States and local school systems will have to find additional ways to make it more attractive for good teachers, with salary increases, better working conditions, or whatever it takes. When there is difficulty getting qualified doctors to urban or poor rural hospitals, no one accepts the idea of hiring unqualified doctors. We shouldn't accept that practice for education.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JAN-1999 17:39:13.00

SUBJECT: Re: Updated Legs. Affairs SOTU Roll Out

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

READ:UNKNOWN

TEXT:

DPC (Mike Cohen) will also be along in the Education sub-briefs. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JAN-1999 18:53:00.00

SUBJECT: Re: nbc/bloom piece was fine.

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

READ:UNKNOWN

TEXT:

yes, i thought so.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-JAN-1999 12:16:42.00

SUBJECT: stem cell research

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Chris -- were we ever given this???

----- Forwarded by Elena Kagan/OPD/EOP on 01/20/99 12:17
PM -----

Dan Marcus

01/20/99 11:12:19 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

CC:

Subject: stem cell research

Could you send me a copy of the HHS legal opinion, cited in today's
NYTimes? Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 20-JAN-1999 00:08:37.00

SUBJECT: Change of time

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/20/99 12:09
AM -----

Rebecca L. Walldorff
01/19/99 02:42:44 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Change of time

The "tax roll out" meeting has been changed to 1PM on Thursday Jan 21 in the Ward Room. This meeting is something Steve is leading to put together legislative, message and budget strategies. The list of participants is as follows:

Linda Robertson
Gene Sperling/Chuck Marr
Sylvia Mathews
Larry Stein (or representative)
Goody Marshall
Bruce Reid/Elena Kagan
Ann Lewis
Doug Sosnik
Karen Tramontano

Thank you for your patience on scheduling this meeting and feel free to call me if you have any questions (6-7288).
Rebecca

Message Sent

To: _____
Janet L. Graves/OMB/EOP
Sylvia M. Mathews/OMB/EOP
Jessica L. Gibson/WHO/EOP
Thurgood Marshall Jr/WHO/EOP
Maya Seiden/WHO/EOP
Cathy R. Mays/OPD/EOP
Ruby Shamir/WHO/EOP
Dominique L. Cano/WHO/EOP
Charles R. Marr/OPD/EOP
Peter A. Weissman/OPD/EOP
Elena Kagan/OPD/EOP
Karen Tramontano/WHO/EOP

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Elena Kagan to Richard Socarides. Subject: Invitation. (1 page)	01/20/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[01/06/1999 - 01/28/1999]

2009-1006-F

wr59

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
004. email	Elena Kagan to June Turner. Subject: Invitation. (1 page)	01/20/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[01/06/1999 - 01/28/1999]

2009-1006-F
wr59

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:21-JAN-1999 11:42:41.00

SUBJECT: Re: Meeting 1pm today in Ward Room

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

TEXT:

can you cc; me too from now on for Elena's schedule. Thanks. -Laura Emmett

Rebecca L. Walldorff
01/21/99 11:35:02 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: Meeting 1pm today in Ward Room

Hello everyone-
The 1pm meeting in the Ward Room is still on. I've let Steve know that several of you have meetings at 1:30 - and so this meeting will be quick. Thanks!
Rebecca

Message Sent

- To: _____
- Janet L. Graves/OMB/EOP
 - Sylvia M. Mathews/OMB/EOP
 - Jessica L. Gibson/WHO/EOP
 - Thurgood Marshall Jr/WHO/EOP
 - Maya Seiden/WHO/EOP
 - Cathy R. Mays/OPD/EOP
 - Ruby Shamir/WHO/EOP
 - Dominique L. Cano/WHO/EOP
 - Charles R. Marr/OPD/EOP
 - Peter A. Weissman/OPD/EOP
 - Elena Kagan/OPD/EOP
 - Karen Tramontano/WHO/EOP

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_x2211148_opd_html_1.xls

Attachment Number: [ATTACH.D52]MAIL45511122Y.036

Question: The President has repeatedly stated his goal of reducing class size in the early grades by helping schools hire 100,000 teachers by 2005. Does this budget support funding levels in the outyears to meet that goal?

Answer: Yes. The President remains fully committed, as his FY 2000 budget will reiterate, to helping hire 100,000 new teachers by 2005. In response to the President's request, the FY 1999 appropriations act provided the first installment of the necessary funding, \$1.2 billion to help hire more than 30,000 new teachers. The FY 2000 budget surpasses the previously articulated policy path with a \$200 million increase over FY 1999, providing \$1.4 billion to continue financing the 30,000 teachers hired with FY 1999 funds, and to add roughly 8,000 more teachers for a total of over 38,000. The Administration is confident and strongly committed to reaching this goal by 2005.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-JAN-1999 09:44:04.00

SUBJECT: Re:

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

READ:UNKNOWN

TEXT:

It went OK. She knows where we are; we know where she is. We both claim to want the same kind of compromise, and she promised to try to work toward it (even as she is endorsing a no-strings approach). All in all, it was friendly.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:22-JAN-1999 16:08:21.00

SUBJECT: Re: Feb. 2nd

TO: Lynn G. Cutler (CN=Lynn G. Cutler/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

bruce, mike and I are still discussing this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JAN-1999 18:51:42.00

SUBJECT: Re: Our list of Deliverbles

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

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

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

TEXT:

The VP's office told us at 4:30 that they wanted to leak something on this, and we (DPC/First Lady's Office) got them paper (approved by HHS, OMB, etc.) within 30-45 minutes. I'm not sure how we could have been more responsive.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JAN-1999 10:49:22.00

SUBJECT: Re:

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

READ:UNKNOWN

TEXT:

we sent it over to DOJ -- I'll check in today.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JAN-1999 10:51:53.00

SUBJECT: Re: tobacco Q&A

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

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

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

TEXT:

OK -- send it in.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-JAN-1999 18:55:26.00

SUBJECT: Re: Our list of Deliverbles

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

TEXT:

Also, I think you might check with the press office to figure out whether/how leaking the other events fits into their overall strategy on getting things out this week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JAN-1999 11:19:11.00

SUBJECT: Re: FMLA and other budget events

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

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

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

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

TEXT:
right now we're doing the radio address on equal pay.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Elena Kagan to Laura Emmett. Subject: Farewell (2 pages)	01/26/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[01/06/1999 - 01/28/1999]

2009-1006-F
wr59

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.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:26-JAN-1999 11:17:41.00

SUBJECT: Follow Up Meeting

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 01/26/99 11:18 AM -----

James T. Heimbach
01/26/99 08:27:12 AM
Record Type: Record

To: Sylvia M. Mathews/OMB/EOP, Elena Kagan/OPD/EOP, Thurgood Marshall Jr/WHO/EOP, Lawrence J. Stein/WHO/EOP
cc: Janet L. Graves/OMB/EOP, Jessica L. Gibson/WHO/EOP, Maya Seiden/WHO/EOP
Subject: Follow Up Meeting

Steve Ricchetti would like to do a one-on-one meeting with each of you later this afternoon as a follow up to yesterday's strategy meeting. He anticipates each lasting about 30 minutes. Could you let me know what times work for you, and e-mail me your priority lists? Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1999 09:56:31.00

SUBJECT: Re: Latest Coordinated Press Plan for this week is attached

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

READ:UNKNOWN

TEXT:

Remember, too, that we're advancing a foster care stroy to the time tomorrow for Friday.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-JAN-1999 18:16:16.00

SUBJECT: Re: Event Options

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

TEXT:

That was it. We also have plans to do a gun tracing event (ask Jose), but we shouldn't try to push that until our gun shows event is over.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JAN-1999 07:49:28.00

SUBJECT: Re: Budget Roll-Out

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

TEXT:
sure, whatever yiu want.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JAN-1999 10:39:35.00

SUBJECT: Re: phone msg for Ellen Lovell

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

TEXT:

Too late. Natalie Zemon Davis was a professor of mine, and I was just wondering whether there was a time before the millenium event that I could stop by and say hello to her. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-JAN-1999 12:58:54.00

SUBJECT: Re: what do you think? I haven't sent yet

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

TEXT:
looks good. the tone is absolutely fine.