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001. memo	Isabelle Katz Pinzler to Acting Associate Attorney General re: Individuals with Disabilities Education Act (IDEA) - 1997 (5 pages)	08/07/1997	P5

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P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Keep up on

cc: Mike/Tom/EK - Can we do something on this w/Romer's proposal? - BR

File: 10-4-97

THE PRESIDENT HAS SEEN

U.S. Cites Shortage of Skilled Workers

Commerce Dept. to Work With High-Tech Industry to Find Solutions

By Rajiv Chandrasekaran
Washington Post Staff Writer

The Commerce Department, joining a chorus of technology industry leaders, yesterday issued its first warning that a growing shortage of workers with cutting-edge computer skills could hinder the nation's economic growth.

In delivering that message, officials said the Commerce and Education departments would take the unusual step of working with the technology industry to jointly propose solutions to the labor shortage through a series of task forces and a nationwide summit to be held early next year.

"We clearly have a very significant supply problem," Andrew Pincus, the Commerce Department's general counsel, said at a news conference yesterday. The shortage "is increasing the cost of doing business throughout this country and reducing our global competitiveness and constraining our economic growth."

The department, in a report released yesterday, did not specify the cost of the shortage. The report, titled America's New Deficit: The Shortage of Information Technology Workers, repeated statistics produced by other organizations, including the Information Technology Association of America (ITAA), which estimates about 190,000 information technology jobs nationwide are going unfilled.

The report also cited Labor Department projections that between now and 2005, an average of 95,000 new computer scientists, systems analysts and programmers will be needed every year. In 1994, however, only 24,553 U.S. students earned bachelor's degrees in computer or information sciences fields, the Labor Department said.

A recent study sponsored by the Northern Virginia Technology Council estimated that more than 19,000 technology jobs are vacant in Northern Virginia. Yesterday, Virginia Gov. George Allen (R) awarded $5.85 million in economic development grants, including $2.4 million earmarked for Northern Virginia, to support programs to train more technology workers.

In Northern Virginia, the money would be used to establish worker training centers, career awareness programs, partnerships between schools and businesses and a summer technology-training program at Northern Virginia Community College campuses.

"Our skilled worker shortage is a crisis," said Harris Miller, the president of the ITAA, an Arlington-based industry group working with the Commerce and Education departments on the task forces and summit. "This is as if we had run out of iron ore in the middle of the second industrial revolution. Today, [information technology] workers are the equivalent of iron ore. They're the crucial raw materials of our economy."

Critics, however, suggest that the ITAA has inflated its shortage estimates both to justify its call for Congress and the Clinton administration to relax immigration restrictions on temporary technology workers and to compel the government to pick up the tab for training programs. Those skeptics contend that technology companies aren't doing enough to attract and train workers with basic computer skills.

"This report is a tool of special interests," said Norm Matloff, a professor of computer science at the University of California at Davis. "Sure, there are a lot of unfilled positions. That's because the industry wants workers with a laundry list of skills, but they're not willing to train people or give them a chance to pick up those skills on the job."

The ITAA denies that its estimates are inflated or connected with its immigration-lobbying efforts.

The six task forces will focus on issues such as recruiting unrepresented minority groups into technology careers, improving math and science education in primary and secondary schools, spicing up the image of information-technology jobs and upgrading skills of people already in the work force, officials said. The groups, which will start meeting this fall, will have representatives from industry, educational institutions and the Commerce and Education departments.

The meetings will culminate with a summit in January at the University of California at Berkeley.

The meetings and summit are designed to generate consensus about solutions, officials said. "We're into actions to solve this problem, not simply to admire it" said Paul J. Cosgrave, the chief executive of Claremont Technology Group Inc., a White Plains, N.Y., information-technology company.

Staff writer Eric Lipton contributed to this report.

The Washington Post
TUESDAY, SEPTEMBER 30, 1997

COPIED:
REED
COS
SPERLING

Reed/Cos ?K
can we direct
any DOL/DOE $
to deal w/ this?
Make an announcement
w/ relevant business leaders?

BR

Keep up on

Tom –
Has Kent gotten all of these? Has there been a meeting? Please keep track of this project.
Elena
cc: Bruce

Office of the Attorney General
Washington, D. C. 20530

FACSIMILE TRANSMITTAL COVER SHEET

DATE: Sept 17, 1997

TO: Elena Kagan and Jose Cerda

FACSIMILE NO. 456-2878

TELEPHONE NO. 456-5584, 456-5568

FROM: Kent Markus

FACSIMILE NO. (202) 514-1724

TELEPHONE NO. (202) 514-2107

NUMBER OF PAGES INCLUDING COVER SHEET: 2

COMMENTS:

Office of the Attorney General
Washington, D. C. 20530

September 17, 1997

MEMORANDUM FOR THE HONORABLE BRUCE REED
ASSISTANT TO THE PRESIDENT

THE HONORABLE ELENA KAGAN
ASSISTANT TO THE PRESIDENT

THE HONORABLE JOSÉ CERDA
SPECIAL ASSISTANT TO THE PRESIDENT

FROM: THE ATTORNEY GENERAL

SUBJECT: Federal Support for Communities Follow-Up

Thanks so much for joining me last Thursday. I was gratified to learn that so many of us share an interest in trying to better support America's communities.

You may recall that at the end of our meeting, it was agreed that we would each put together, by this coming Friday, September 19, a 2-3 page paper discussing where we should go from here. Please send those papers to my Deputy Chief of Staff, Kent Markus. You may fax them to him at (202) 514-1724.

When you send your agency's paper to Kent, please also indicate the person with whom Kent should be in contact in order to set up a senior level staff meeting to discuss the papers and recommend next steps to us. I hope that our staff representatives will be able to meet together some time during the week of September 22.

Again, thank you for your support and continuing interest. Let us keep the momentum going.

Keep up ~~~

or entity providing services if the organization is a qualified HMO as defined in existing statute or the written agreement, through a risk-sharing arrangement, places the individual or entity at substantial financial risk for the cost or utilization of the services.

Section 216 mandates that the Secretary establish standards relating to this exception through negotiated rulemaking. **OIRA and the RMO have been attending these negotiations. In the last session (Sept. 9th and 10th), OMB staff expected that the Administration would weigh in and determine the future direction of the negotiation. In a meeting last week, OMB staff, the HHS/OIG, HCFA, and DOJ agreed that interpretation of section 216 would define "organization" as a health plan rather than discrete provider arrangement, and issues pertaining to downstream contractors would be deferred to a future rulemaking outside of the regulatory negotiation. However during the last session, the OIG appeared to have deviated from this understanding by listening to extensive conversation pertaining to downstream arrangements and refusing to articulate a firm Administration position on section 216's interpretation. This approach escalates any disagreement between DoJ and OIG on "downstreaming" into the regulatory negotiation, which had not been OMB's earlier understanding. OMB staff have expressed their concerns to the OIG and will once again conduct a meeting with HHS and DoJ staff to flesh out an Administration position.**

In the meantime, Congress is closely tracking the process of this regulatory negotiation and most likely will look unfavorably upon any decision to abandon the negotiation due to unreconcilable differences.

DEPARTMENT OF HEALTH AND HUMAN SERVICES/HEALTH CARE FINANCING ADMINISTRATION. Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1998 Rates. (Final Rule with Comment; formal submission expected soon.)

[OMB review completed on 8/22/97.]

[Revised] DEPARTMENT OF HEALTH AND HUMAN SERVICES/HEALTH CARE FINANCING ADMINISTRATION. Physician Referrals to Health Care Entities with which They Have Financial Relationships (Stark II). (Proposed Rule; submitted 8/20/97.)

Chris - I assume you're involved in this. Is it a good item for our "quality portfolio"? Elena cc: Porter

This proposed rule would incorporate into regulations the provisions of sections 1877 and 1903(s) of the Social Security Act. Under section 1877, if a physician or a member of a physician's immediate family has a financial relationship with a health care entity, the physician may not make referrals to that entity for the furnishing of designated health services under the Medicare program, unless certain exceptions apply. Existing rules (Stark I) cover self referrals in clinical laboratory services. These rules (Stark II) would

extend the scope of prohibitions to an additional ten ancillary services (e.g. radiology services, home health, etc.)

We have just begun to review the content of these rules. **The Department briefed OMB on the substance of the rule and probable industry reaction on Thursday, 9/11/97.** We anticipate intense Congressional and industry interest in these rules. The Department has requested an expedited review.

[**Re-entered**] DEPARTMENT OF HEALTH AND HUMAN SERVICES/HEALTH CARE FINANCING ADMINISTRATION. Medicare and Medicaid Programs; Hospital Conditions of Participation; Provider Agreements and Supplier Approval. (NPRM; received 8/28/97)

This proposed REGO rule would revise the requirements that hospitals must meet to participate in the Medicare and Medicaid programs. HCFA believes that the revised requirements focus on patient care and the outcomes of that care, reflect a cross-functional view of patient treatment, encourage flexibility in meeting quality standards, and eliminate unnecessary procedural requirements. OIRA staff reviewed this in draft to ensure that it is consistent with the Department's REGO commitments to revise its rules so they are less process oriented and more performance based. HCFA has streamlined more process standards in this rule than in the other REGO provider rules. However, HCFA does not plan to propose hospital outcome measures in the foreseeable future. HCFA has failed to justify streamlining the hospital regulation without a single performance measure such as mortality statistics (which have been disseminated in past Administrations.) OIRA staff believe that different approaches to provider regulations should be premised upon the inherent risk associated with unique provider characteristics such as patient case mix and service delivery models.

HCFA argues that their selected approach of allowing hospitals to design their own performance measures in particular service categories is consistent with private sector practice and the standards of the Joint Commission on Accreditation of Health Organizations (JCAHO). HCFA staff have explained that historically the JCAHO standards drive the content of Federal standards because the JCAHO officially is deemed in statute. OMB staff have closely reviewed the JCAHO standards to ensure that HCFA is in fact adopting comparable detail in performance measurement as the JCAHO. OIRA staff also have requested that HHS solicit public comment on alternative performance standards that would encourage more aggressive organ procurement by Medicare/Medicaid hospitals. While waiting for formal RMO comments, OIRA staff forwarded its detailed comments on an earlier draft to the Department.

HCFA's has coordination this rule with other Department components, including HRSA as the release of the rule is intended to be coordinated with the impending final rule governing the Organ Procurement Transplant Network.

Health-women's health

Chris —
Do you know anything about this? When will it be issued? Should we make something of it?
Elena

12

HUMAN RESOURCES AND HOUSING BRANCH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Revised] DEPARTMENT OF HEALTH AND HUMAN SERVICES/FOOD AND DRUG ADMINISTRATION. Human Tissue Intended for Transplant. (Final Rule, Received 4/18/97).

[Review concluded 7/18/97]

[New] DEPARTMENT OF HEALTH AND HUMAN SERVICES/FOOD AND DRUG ADMINISTRATION. Quality Mammography Standards. (Final Rule, Received 6/30/97).

The Mammography Quality Standards Act of 1992 (MQSA) established nationwide quality and safety standards for mammography facilities, while maintaining broad patient access to mammography services. Oversight of these facilities will be achieved through a certification and inspection program. In late 1993 and early 1994, FDA published several interim final regulations implementing the statute. However, in response to the need (and Congressional intent) to replace the interim rules with more comprehensive regulations developed through the normal rulemaking process, last year FDA proposed five regulations in the following areas: accreditation, facilities, personnel, equipment, and performance standard alternatives. FDA received approximately 19,000 public comments in response to the 1996 proposed rule, which offered a significant performance standard alternative as a result of OMB review. The final rule currently under OMB review combines the five proposed rules.

We have just begun review of the rule and will inform you of any major issues that arise. FDA has invited OMB to visit a mammography facility for a demonstration of the new standards.

[New] DEPARTMENT OF HEALTH AND HUMAN SERVICES/FOOD AND DRUG ADMINISTRATION. Regulations Requiring Manufacturers to Assess the Safety and Effectiveness of New Drugs and Biological Products in Pediatric Patients. (Proposed Rule, Received 7/2/97).

FDA is proposing new regulations requiring pediatric studies of certain new and currently marketed drug and biological products. FDA argues that many drugs and biological products represent treatments that can be the best available for children, but most have not been adequately tested in the pediatric subpopulation. As a result, product labeling does not provide directions for safe and effective use in pediatric patients. The proposed rule aims to partially address this problem by requiring that manufacturers of a limited class of new and currently marketed drugs and biological products provide sufficient data and information to support directions for pediatric use for the claimed indications.

Health – organ transplant

Chris — What's happening on this? Elena

[Revised] DEPARTMENT OF HEALTH AND HUMAN SERVICES/HEALTH RESOURCES AND SERVICES ADMINISTRATION. Organ Procurement and Transplantation Network (OPTN) Rule. (Final rule; expected 6/97.)

On November 13, 1996, HHS published a notice in the Federal Register announcing a public hearing and reopened comment period on the UNOS liver allocation policy. The UNOS Board's proposed revisions to liver allocation policy prompted this HHS public hearing. Input from this hearing and additional written comment will be considered in developing the final OPTN rule that may be promulgated this summer. This rule will likely receive significant attention in the press and on the Hill.

On May 28, 1997, HHS staff briefed OMB on its efforts to discuss the final rule with congressional staff. HHS also discussed its broad issue areas under development for the final rule. On June 19th, HHS staff briefed OMB on the Secretary's preferred strategy for the final rule. At this time, the Secretary prefers to articulate "performance standards" for an acceptable allocation model in the final rule, but will not select and mandate a particular model. Evaluation and selection of the most appropriate model will be at the discretion of the OPTN contractor (UNOS), and the Department will have the authority to accept or reject UNOS' recommendation. HHS staff believe that this approach strikes the best balance between necessary HHS oversight/contractor accountability and reliance on medical professional expertise. OMB staff have reserved judgement on this approach, pending review of the draft "performance evaluation" language. In the meantime, OMB staff will meet with HHS staff to discuss all available models for organ allocation and how these models would fair under HHS' envisioned performance standard.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Revised] DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT/OFFICE OF HOUSING. Disclosure of Fees Paid to Mortgage Brokers.. (NPRM; received 4/4/97).

(Review concluded 6/30/97)

(Although we have concluded review in June, HUD has not yet published it in the *Federal Register*. HUD may make several modifications and resubmit it for review prior to publication.)

[No change] DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT/OFFICE OF PUBLIC AND INDIAN HOUSING. Access to National Crime Information. General Issue for Discussion.

The Housing Opportunity Program Extension Act of 1996 requires the National Crime Information Center (NCIC), upon request, to provide to public housing agencies (PHAs)

Bruce | Jen | Nicole —
What do you
Think?
Elena

U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

~~3 conference~~
Crime —
children + violence

Office of the Administrator

Washington, D.C. 20531

August 5, 1997

MEMORANDUM

To: Libby Doggett, ED; Naomi Karp, ED; Steven Hyman, NIMH; Mark Rosenberg, CDC; Helen Taylor, ACF; Woodie Kessel, MCHB; Terry Dozier, ED; Carol Williams, ACF; Rose Kittrell, SAMHSA; Duane Alexander, NIH; Marilyn Gaston, HRSA

cc: Elena Kagan, Deputy Assistant to the President for Domestic Policy

From: Shay Bilchik

Re: Proposed Initiative Focused on Children Exposed to Violence

The April 17, 1997 *White House Conference on Early Childhood Development and Learning* provided a tremendous opportunity for the latest research on infants to be shared with the public. It also offered an opportunity for the Administration to engage each agency in a broad-based review of policy, activities and accomplishments in support of early childhood development.

To follow up on the Administration's commitment to this issue, the Department of Justice, through the Office of Juvenile Justice and Delinquency Prevention, is proposing the development of a public/private interagency initiative focused on preventing and reducing the impact of violence on young children. The attached document outlines the proposed interagency initiative and is followed with a description of how the initiative might operate at the federal and local level.

We have been developing this concept with the input of Ann Rosewater at HHS and will be seeking the leadership of the Domestic Policy Council for its implementation. However, the concept can not advance without your input and guidance. Therefore, I hope you can participate in the first of a series of meetings to discuss the concept this **Thursday, August 7 from 11:30 - 12:30 at 633 Indiana, N.W., Seventh Floor Conference Room, Washington, D.C.**

Please contact Sarah Ingersoll to confirm your attendance or if you have any questions. She can be reached at: (202) 616-3650.

Attachment A

Proposed Initiative

"It is appalling the number of letters I get from five- and six- year-olds who simply want me to make their lives safe; who don't want to worry about being shot; who don't want anymore violence in their homes; who want their schools and the streets they walk on to be free of terror. So, today the Department of Justice is establishing a new initiative called "Safe Start," based on the efforts in New Haven, Connecticut, which you will hear about this afternoon. The program will train police officers, prosecutors, probation and parole officers in child development so that they'll actually be equipped to handle situations involving young children. And I believe if we can put this initiative into effect all across America, it will make our children safer." - President Clinton, April 17, 1997

"A child's earliest experience, their relationships with parents and care-givers, the sights and sounds and smells and feelings they encounter, the challenges they meet determine how their brains are wired. And that brain shapes itself through repeated experiences. The more something is repeated, the stronger the neuro-circuitry becomes, and those connections, in turn, can be permanent. In this way, the seemingly trivial events of our earliest months that we cannot even later recall -- hearing a song, getting a hug after falling down, knowing when to expect a smile -- those are anything but trivial. And as we know, for the first three years of life, so much is happening in the baby's brain. They will learn to soothe themselves when they're upset, to empathize to get along. These experiences can determine whether children will grow up to be peaceful or violent citizens, focused or undisciplined workers, attentive or detached parents themselves." - Mrs. Clinton, April 17, 1997

Justification

The need for the proposed initiative is significant. First, we know that the incidence of children's exposure to violence is high. Throughout America, millions of children are exposed to violence at home, in their neighborhoods, and in their schools. According to a National Institute of Justice survey, of the 22.3 million adolescents ages 12-17 in the United States today, approximately 9 million have witnessed serious violence. Among these witnesses to violence, 15 percent developed Post Traumatic Stress Disorder. Researchers excluded from their overall calculations the approximately 30 percent of adolescents who had directly observed someone being beaten up badly and hurt -- an experience so common that had these figures been included, the prevalence of witnessing violence would have risen to 72 percent for the entire sample. Other reports show a similarly high incidence of children exposed to violence:

- In a survey of sixth, eight, and tenth graders in New Haven in 1992, 40% reported

witnessing at least one violent crime in the past year.

- In Los Angeles, it was estimated that children witness approximately 10% to 20% of the homicides committed in that city.

- In a study of African American children living in a Chicago neighborhood, one third of the school-aged children had witnessed a homicide and two-thirds had witnessed a serious assault.

- Ninety-one percent of New Orleans fifth graders and 72 % of Washington, D.C. children have witnessed some type of violence.

- It has been estimated that between 3.3 to 10 million children witness physical and verbal spousal abuse each year, including a range of behaviors from insults and hitting to fatal assaults with guns and knives.

- In a study conducted at Boston City Hospital, 1 out of every 10 children seen in their primary care clinic had witnessed a shooting or stabbing before the age of 6 -- 50 percent in the home and 50 percent in the streets. The average age of these children was 2.7 years.

Secondly, we know the adverse impact of children exposed to violence. Children's exposure to violence and maltreatment is significantly associated with increased depression, anxiety, post traumatic stress, anger, greater alcohol and drug abuse, and lower academic achievement. It shapes how they remember, learn and feel. In addition, children who experience violence either as victims or as witnesses are at increased risk of becoming violent themselves. These dangers are greatest for the youngest children who depend almost completely on their parents and care givers to protect them from trauma.

Third, we know that the majority of children exposed to violence are not treated. According to the National Advisory Board on Child Abuse and Neglect, over 90 percent of children who are exposed to child abuse and neglect do not get the services they need; and too often, victims services in domestic violence and criminal investigations focus on the adult victim rather than the child. In one study of 28 child witnesses aged 1.5 to 14 years from 14 families in which the father killed the mother, delays in referrals for treatment for the children ranged from 2 weeks to 11 years. Without the increased awareness, funds for services and collaboration, training and technical assistance and evaluation supported by the proposed program, it is reasonable to believe that these children will continue to go untreated.

Fourth, the problem of children's exposure to violence is well recognized by both the research and policy making communities; and the solutions to this problem have been established by many esteemed organizations including the American Psychological Association, the Children's

Defense Fund, the Carnegie Corporation of New York, the National Research Council , American Academy of Pediatrics, National Council of Juvenile and Family Court Judges and Zero to Three/National center for Clinical Infant Programs. According to the recommendations of a consensus of professionals in the field, child development theory, experience and evaluations from psychoanalytic and psychodynamic interventions with children, what children need when they are exposed to violence is comprehensive mental health services to help them process the violence; a sustained relationship with a caring, pro-social adult role model; protection from further risk of harm; and legal intervention. These known solutions for treating children exposed to violence are synthesized in the proposed initiative which increases awareness in communities and among professions of the impact of violence on children; facilitates collaboration and coordination of services; improves identification, referral and interventions; provides specific training and support to deal with the psychological aftermath of children's experience with violence; assists organizational changes in the provision of police, mental health, health, educational services; produces specific protocols and procedures for responding to children exposed to violence, etc.

Goal

The goal of the proposed initiative is to prevent and reduce the impact of family, school, and community violence on young children through the development and replication of a multi-disciplinary approach.

Objectives

The initiative would be a public-private collaboration which expands on the Department of Justice's *Child Development - Community Policing Safe Start Initiative* (Attachment C) and would seek to improve access, delivery, and quality of educational/developmental, health, mental health, family support, crisis intervention and legal services for young children at risk of being or already exposed to violence, their families and their care givers. This focus would include drug abuse identification and referral for treatment for parents, as this is also related to violence prevention, intervention, and family care.

The initiative would accomplish these objectives by providing funding, training, technical assistance and information in 150 communities (and, where appropriate, in their respective states) on the following:

- Coordination of services and the development of a community-wide system for responding to children exposed to violence and linking them to the appropriate services.
- Development of effective protocols and memoranda of understanding for working across systems.
- Development of a child- and family-focused violence prevention strategy that would

include mentoring and conflict resolution for families, child care workers, law enforcement, juvenile justice practitioners, child protective service providers, teachers, medical personnel, community residents and community-based providers, including public housing personnel, and providers of vocational training.

- Education and training for parents, child care workers, child protective service providers, law enforcement officers, probation officers, parole officers, pediatricians, emergency room doctors, nurses, school personnel, clergy, and relevant university staff on responding to the impact of violence on young children.

- Experience in problem-solving so that these individuals and agencies can prevent violence and trauma before it happens.

- Establishment or enhancement of a broad range of local intervention and treatment services and resources for children, their families, and their young peers, including school-based, court-based, community-based, and hospital-based victim services.

- Responsive investigation and prosecution of child victimizers and defendants in domestic violence cases.

- Appropriate law enforcement protection from repeat abuse.

- Improvement of the responsiveness of drug courts to the impact of substance abuse in families on children.

- Coordination with victims assistance and victims compensation for children.

Partners

Organizations contributing to the development, funding, or implementation of the grants, along with training and technical assistance, information dissemination, and assistance in evaluation could include:

- Domestic Policy Council
- President's Crime Prevention Council
- Community Empowerment Board
- Department of Health and Human Services
  - Administration for Children, Youth and Families
  - Center for Disease Control and Prevention
  - Center for Substance Abuse Prevention
  - Center for Substance Abuse Treatment
  - Maternal Child Health Bureau

NIDA
National Institute of Health
National Institute of Mental Health
Office for Planning and Evaluation

- Department of Housing and Urban Development
- Department of Defense
- Department of Education
- Department of Agriculture
- Office of National Drug Control Policy
- Department of Interior
- Corporation for National Service
- Department of Treasury
- Department of Justice
  - Bureau of Justice Assistance
  - Community Oriented Policing Services
  - Drug Courts Office
  - Executive Office for Weed and Seed
  - National Institute of Justice
  - Office of Juvenile Justice and Delinquency Prevention
  - Office for Victims of Crime
  - Violence Against Women Act Grants Office
- White House Conference on Early Childhood Development and Learning participants
- Kaiser Permanente
- American Pediatrics Association
- Edna McConnel Clark Foundation
- American Psychological Association
- Zero To Three
- International Association of Chiefs of Police

Grants

For purposes of discussion, it is suggested that the program budget be $100 million per year for five years and be located in an agency to be determined. $90 million would be awarded to 150 high-risk communities, identified through a competitive process, which demonstrate:

- a comprehensive, integrated, community-wide plan based on their needs and resources for a system of prevention and treatment of children exposed to violence;

- local human resource and financial commitments for implementing and evaluating such a system;

- a strong partnership between State child welfare and justice systems, as well as an

established system of addressing issues in a multidisciplinary approach.

Empowerment Zones and Enterprise Communities would be given competitive advantage.

Each community would receive grants of $600,000 per year for five years, with the first year being set aside for planning, finalization of the program design, and the first stages of implementation -- all of which will be conducted in close coordination with the evaluation described below. The grants would support the range of activities described on page four and would be managed by a federal interagency board, in conjunction with the administering agency, and with input and support from private partners.

Training, Technical Assistance and Information Dissemination

$6 million per year would be set aside for training and technical assistance. Training would take four forms:

1) Site-specific training provided by a team of experts from the Yale Child Study Center. The current team of experts, which is already being expanded, would include professionals experienced in working with parents, child care workers, child protective service providers, law enforcement officers, probation officers, parole officers, pediatricians, emergency room doctors, nurses, school personnel, educators, clergy, public housing officials and university professors.

2) Training and technical assistance provided through existing contracts such as HHS's Head Start and Early Head Start, MCHB Leadership Education Projects, DOJ's Community Prevention Grants, or USDA's Children, Youth and Families At Risk training; and in centers that serve families, such as HHS's Healthy Start Family Resource Centers, Empowerment Zones, DOJ's Safe Havens, Boys and Girls Clubs, and USDA's Community and Migrant Health Centers.

3) State agencies with participating sites would receive training to facilitate system-wide reform, coordination of funding streams and the provision of family and mental health services which would benefit young children. For example, HHS's Child Care and Development Fund Training, Leadership Forums, Child Care Health Consultant Program, and Health System's Development in Child Care could provide opportunities for State-based training.

4) Federal employees on the local level, such as U.S. Attorneys, FBI, DEA, HHS, DOL, HUD, ED, DOD, DOI, CNS, and USDA personnel could be involved in supporting program implementation on the local level.

In addition to training and technical assistance, fact sheets, training materials, curricula, posters, and information would be developed and disseminated to various audiences on the impact of violence on young children, the importance of prevention, and how to identify and respond to children exposed to violence. This information could be produced and disseminated through, among other channels, HHS's National Child Care Information Center, Head Start's seven

national training contracts, Early Head Start National Resource Center, the National Center for Health and Safety in Child Care, Healthy People 2000, Bright Futures, USDA's Anti-Drug Education in rural housing, and DOJ's Clearinghouse. A web site would also contain this information, and a List Serv would be established to electronically link the sites, and various individuals within the sites, to one another.

Research and Evaluation

$3 million per year would be set aside for evaluation of the program. The evaluation would track the individual projects and examine the impact of the overall program as well as certain projects. In addition, HHS's research on Preventing Developmental Delays, Early Social and Emotional Development, Early Learning, Child Abuse and Neglect, Childhood Behavioral Disorders, Social Experience and Development, Mental Health Services for Young Children, and Childhood Injury Prevention; and DOJ's research on the Causes and Correlates of Delinquency and Study of Human Development in Chicago Neighborhoods are suggestive of the types of agency research programs which could inform this initiative. The current effort by HHS to expand and coordinate research in the early childhood development area would also be linked with this initiative.

Conclusion

The tragic consequences to children of chronic exposure to violence, and the social implications of those consequences, are considerable. This Administration has taken a strong position and leadership role on this issue through the recent White House Conference. The proposed initiative will ensure that we have taken the necessary follow up action to protect and help the silent victims of crime and violence.

Attachment B

Federal and Local Scenarios for Proposed Initiative

Building upon the Community Empowerment Board model, a federal interagency team would be formed around the purpose of reducing the impact of violence on young children (0-6 years old). All existing program, training, and research resources related to this goal would be identified and become part of this team's effort to better coordinate, integrate, and improve prevention and intervention services for children exposed to violence. (A preliminary listing of these resources is included in Attachment B). In addition, the team would develop a common list of effective training and technical assistance providers in this area; as well as a comprehensive list of effective approaches and evaluations.

The selected communities would build upon existing projects such as their Empowerment Zone/Enterprise Community; HHS's Head Start and Early Head Start; MCHB Leadership Education Projects; DOJ's Community Prevention Grants, Comprehensive Communities or Weed and Seed sites; USDA's Children, Youth and Families At Risk training; Safe and Drug Free School Community; or Community Anti-Drug Coalition and receive necessary funding support through these existing funding streams for a collaborative process focused on coordinating services and developing a community-wide system for preventing and intervening with children's exposure to violence. Together, families, child care workers, law enforcement, juvenile justice practitioners, child protective service providers, teachers, medical personnel, mental health providers, community residents and community-based providers, including public housing personnel and providers of vocational training would develop a child- and family-focused violence prevention strategy that would include, among other components, family strengthening/parent training, domestic violence reduction, substance abuse prevention, mentoring and conflict resolution.

State health, education, justice and other relevant agencies with sites participating in the initiative would receive training through programs such as HHS's Child Care and Development Fund Training, Leadership Forums, Child Care Health Consultant Program, and Health System's Development in Child Care to facilitate system-wide reform, coordination of funding streams and the provision of family and mental health services which would benefit young children.

Intensive training across disciplines for community teams on children's exposure to violence, treatment options, and interventions in various settings (e.g., curricula for school) would be provided by the team of experts identified by the agencies, including professionals experienced in working with parents, child care workers, child protective service providers, community policing officers, probation officers, parole officers, pediatricians, emergency room doctors, nurses, school personnel, educators, clergy, public housing officials and university

professors. Again, this training would build upon that available under existing contracts.

A broad range of local intervention and treatment services and resources for children, their families, and their young peers, would be established, including school-based, court-based, community-based, and hospital-based victim services. These services may require some new dollars, but would build primarily upon existing federally-funded comprehensive service delivery programs such as HHS's Healthy Start Family Resource Centers, DOJ's Safe Havens, Boys and Girls Clubs, and USDA's Community and Migrant Health Centers.

Federal employees on the local level, such as U.S. Attorneys, FBI, DEA, HHS, DOL, HUD, ED, DOD, DOI, CNS, and USDA personnel would be involved in supporting the development of effective protocols and memoranda of understanding for working across systems; including coordination with victims assistance and victims compensation for children; responsive investigation and prosecution of child victimizers and defendants in domestic violence cases; and appropriate law enforcement protection from repeat abuse.

Fact sheets, training materials, curricula, posters, and information would be developed and disseminated to various audiences on the impact of violence on young children, the importance of prevention, and how to identify and respond to children exposed to violence. This information could be produced and disseminated through, among other channels, HHS's National Child Care Information Center, Head Start's seven national training contracts, Early Head Start National Resource Center, the National Center for Health and Safety in Child Care, Healthy People 2000, Bright Futures, USDA's Anti-Drug Education in rural housing, and DOJ's Clearinghouse. A web site would also contain this information, and a List Serv would be established to electronically link the sites, and various individuals within the sites, to one another.

An evaluation would track the process of implementing this system reform among individual projects, examine the impact of the overall program, and report on the impact of certain projects. In addition, HHS's research on Preventing Developmental Delays, Early Social and Emotional Development, Early Learning, Child Abuse and Neglect, Childhood Behavioral Disorders, Social Experience and Development, Mental Health Services for Young Children, and Childhood Injury Prevention; and DOJ's research on the Causes and Correlates of Delinquency and Study of Human Development in Chicago Neighborhoods could inform the evaluation. The current effort by HHS to expand and coordinate research in the early childhood development area would also be linked with this initiative.

As a result of the significant increase in coordinated federal support, along with the local activity it would prompt, we would find an equally significant change in a community's awareness and involvement in addressing the problem; and its capacity for providing responsive, quality services. The following three scenarios give brief examples to this effect:

Scenario #1

In one community, if a mother and two children, ages 3 and 10, are present when a relative is shot to death through the door of their apartment, the district supervisor, trained by the Initiative, offers a referral for mental health services and also provides the mother with his beeper number. The supervisory sergeant, in touch with the mental health provider, accepts daily calls from the mother, during which he provides her with information regarding the family's protection from reprisal and makes sure that her clinical support is appropriate.

Through support from the Department of Education, the youngest child is placed in a Perry Pre-School program, a model program identified and implemented through the initiative, which fosters the child's social and intellectual development and strengthens the family unit through home visits, weekly meetings with the mother, parent training and vocational assistance.

The older child's school teacher is alerted of the dramatic episode witnessed by the children. The trained school teacher, upon hearing many of the students from the neighborhood talking about the incident, is able to focus a classroom discussion on the repercussions of violence and helps the kids process the incident productively. As a result, the students form a school non-violence campaign.

With the ongoing support of the sergeant, mental health provider, and school teachers, and the involvement of the local public housing authority, the mother and her children receive intensive treatment, both children are functioning well in school and the mother is able to relocate her family to a safer neighborhood.

In addition, the ongoing Community Collaborative, consisting of the formal and informal leadership from the community, suggests that a team including law enforcement, education, mental health, and public housing providers be formed to go into the community to work with residents on an ongoing basis to address local violence-related issues and identify at-risk children in need of services.

Scenario #2

In another community, a woman is stabbed to death by her estranged boyfriend in the presence of her children. During this incident, the boyfriend also batters the woman's six year-old child in the presence of her four-year-old and her daughter, who is 16-years-old and pregnant.

An ambulance rushes the battered six-year-old to the hospital. At the hospital, the physicians treat the six-year-old's wounds and also provide clinical support.

Simultaneously, law enforcement officers and mental health clinicians respond to the scene, provide acute clinical assessments of the other children, and consult with relatives and police as to how to tell the children their mother is dead.

Child protective service workers are briefed by the physician, hospital clinicians, police, and clinicians who were on the scene about the incident and the symptoms being exhibited by each child. They place the children with local family members.

The police and child protective service worker are in contact with the prosecutor to stay

updated on the case of the boyfriend. Police conduct follow up visits to the family, providing practical recommendations for the security of the home and information regarding the status of the prosecution.

The coordinated efforts of police, mental health, child welfare, home-based support professionals, and prosecutors allow the children to remain together, rather than be dispersed to multiple foster homes, and to receive long term family psychotherapy.

The teenager is referred to a Nurse Home Visitation program, (another model program implemented through the initiative), which helps her improve her health-related behaviors, her quality of infant care-giving, and her personal development.

After a brief conference with their school principal, all of the children are able to stay in school despite a prolonged absence. The children's symptoms of anxiety, depression, and aggressive behavior have diminished.

Scenario #3

In a rural community, a sixteen year old is exhibiting delinquent behavior. Law enforcement officers bring him to the attention of the presiding juvenile and family court judge. It turns out his twelve-year old sister had recently been brought to the attention of courts because of child abuse. Their younger five-year-old sibling appears not to be abused, but during regular monthly conversations with the local school administrators, information concerning the five-year-old indicates that he is exhibiting unusual behavior at his school. The judge asks the mental health clinicians working with the twelve-year old to speak with the younger child.

The judge, child protective service worker, community-based police officers, community-based probation officers, clinicians, school officials, and case managers decide they need to provide a coordinated, comprehensive, and structured assessment and intervention for this family. The probation and police officers provide the external authority necessary to contain the older sibling through intensive supervision, frequent monitoring, and the imposition of variable sanctions for violations. In close collaboration with these figures of authority, the Department of Transportation provides a means for the children to get back and forth to the Extension Center where they participate in a model family strengthening program; and the clinicians, educators, job training specialist and case managers provide a range of educational, therapeutic, and recreational interventions, including life skills, work force development, conflict resolution training, community service projects, after school activities, wilderness experiences, and group psychotherapy, all coordinated with the children's parents.

I hope that these three case examples help bring to life how this initiative might operate. They reflect our preliminary thinking and would be informed by the other agencies and non-federal organizations which we hope can be involved in making this initiative a reality.

Family - child care conference

Bruce, Paul –

I think this is important. I need Jen especially to be working on the policy side; hiring someone (with the First Lady's office) to take care of the logistics would be very unhelpful. I know Melanne agrees. How should we proceed?

Elena

August 5, 1997

MEMORANDUM

TO: Melanne Verveer
Elena Kagan

FROM: Jennifer Klein
Nicole Rabner

RE: White House Conference on Child Care

As you may imagine, we have been giving much thought to the work involved in organizing and executing the White House Conference on Child Care, which is now approximately 12 weeks away. We have been giving particular thought to the lessons learned from the White House Conference on Early Childhood Development and Learning, as well as to the high expectations that the success of that event creates for this one.

We are writing to recommend that we hire, on a short term, full-time basis, someone to manage the logistics of the Conference, with responsibilities for the guest list, program, materials, and satellite site coordination for the Conference. We would obviously work hand-in-hand with this person. As you know, managing a Conference is far more labor and process intensive than is any one event at the White House. Announced far earlier than nearly any other White House event, the interest that it generates in the public and advocacy community alone requires substantial attention. And while White House staff in various departments ably picks up pieces of responsibility for the Conference, in our view it requires and deserves a person devoted managing the logistical pieces continually.

Most important, we anticipate that the child care policy development process will demand far more time and attention than we experienced with the April Conference. The issue is bigger and the stakes are higher. Our fear is that therefore we will be unable to give sufficient attention to the Conference. We also foresee a staffing shortage, with the Child Care Bureau less able than we thought to devote resources and staff to managing the Conference, with Jen working three days per work, and with our half policy slot still unfilled.

We could explore whether there might be a suitable detailee, or whether HHS could be convinced to pay for a consultant. Please let us know what you think.

tobacco - settlement - legal issues

United States Department of Justice

Antitrust Division
Department of Justice, Antitrust Division
Main Justice Bldg., Room 3109
Washington, D.C. 20530
Fax Number: (202) 616-2645
Voice Number: (202) 514-2401

Bruce R/Bruce L — What do you think? I'm not sure I agree. Elana

FAX COVER SHEET

DATE: August 8, 1997

TO: Elana Kagen

of: White House

Fax Number: 456-2878

FROM: Joel I. Klein

Pages Sent (including this sheet): 3

Remarks: Attached is a proposed revision of the antitrust exemption with an explanation of our thinking. In addition I am including an alternative suggestion that would eliminate the exemption all together. I will be in Washington this weekend and all of next week.

Tobacco Agreement
Limited Antitrust Exemption

The proposed tobacco settlement aims at reducing cigarette consumption, particularly by children and adolescents. Title IV, § C.2, the provision related to antitrust enforcement, currently states:

In order to achieve the goals of this agreement and the Act relating to tobacco use by children and adolescents, the tobacco product manufacturers may, notwithstanding the provisions of the Sherman Act, the Clayton Act, or any other federal or state antitrust law, act unilaterally, or may jointly confer, coordinate or act in concert, for this limited purpose.

Despite some apparently limiting language, the exemption could be read quite broadly. In particular, it might be read to permit creation of a price-fixing cartel, because raising prices is one way to deter tobacco use by children and adolescents. There is no provision for recovery from the tobacco companies of any resulting extra profits. It is not clear, however, that such an exceptional result was intended by the drafters, and it is not warranted.

Consistent with the Agreement's purpose of reducing underage tobacco use, the exemption, if retained, should be narrowed as follows to protect only collective conduct whose primary purpose and effect is to reduce consumption of tobacco by children and adolescents:

In order to achieve the goals of this agreement and the Act relating to tobacco use by children and adolescents, the tobacco product manufacturers may, notwithstanding the provisions of the Sherman Act, the Clayton Act, or any other federal or state antitrust law, jointly confer regarding, coordinate, or undertake concerted conduct whose primary purpose and primary effect is to reduce use of tobacco by children and adolescents.

This would narrow the antitrust exemption in several ways. Most importantly, it would not permit creation of a cartel, since price fixing would not "primarily" affect use of tobacco by youth.

Tobacco Agreement
Company-Specific Penalties in Lieu of Antitrust Exemption

The Tobacco Agreement's antitrust exemption is apparently based on a presumption that the Agreement's incentives for unilateral action to reduce youth smoking are inadequate. This presumption likely results from the fact the Agreement does not impose penalties on each company on the basis of that particular company's failure to achieve target reductions in use of its own tobacco products by youth. Rather, the Agreement imposes industry-wide penalties for industry-wide failure to achieve target reductions. The industry-wide nature of the targets and the penalties dilutes the incentive for any individual company to reduce use of its own products by children and adolescents. A firm that fails to reduce child and adolescent use of its products bears only part of any resulting penalty, while the rest is borne by its competitors. Conversely, each company may receive only part of the benefit from reducing youth use of its tobacco products, while its competitors may share in that benefit.

More effective than an antitrust exemption in actually reducing underage smoking would be imposition of rewards and penalties, specific to each company, according to whether it met its own individual target for reduction of youth use of its brands. The use of each particular firm's tobacco products by youth could be determined in the same survey that the Agreement contemplates using to assess overall consumption of tobacco by youth. If each firm bore the cost of its own failure to reduce underage use of its products and realized the benefit of any success it achieved, each firm's incentives would be to reduce use of its own products by children and adolescents. And of course, the higher the penalties, the more likely it is that the industry would achieve the reductions specified in the Agreement.

The scope, in practice, of any antitrust exemption would necessarily be difficult to predict. Improving the incentives imposed by the penalties provision would obviate any need for such an exemption by strengthening the firms' direct incentives to reduce youth smoking. Indeed, tailoring the incentives for each firm according to its own behavior is likely to be a much more effective way of achieving the Agreement's goals.

WR - child poverty regulatio

Cynthia A. Rice 08/05/97 03:34:31 PM

Record Type: Record

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

cc:

Subject: HHS Consultation on Child Poverty Rate Regs

080116b4.wp The welfare law requires each state to report its child poverty rate annually to HHS. If the child poverty rate increases by five percent or more from the prior year as a result of the TANF law, the state must also submit a corrective plan that outlines how the state will reduce the child poverty rate.

The law charges HHS with devising a methodology for states to use in devising child poverty rates. HHS has drafted a preliminary methodology (attached) and wants share it at a series of consultations with states and academics, starting on Friday. I have reviewed the attached and see no problem. Would you care to review? Ann Rosewater is hoping for a response by noon tomorrow.

Message Sent To:

Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Diana Fortuna/OPD/EOP
Emily Bromberg/WHO/EOP
Emil E. Parker/OPD/EOP

Bruce / Cynthia / Diana

1. Looks illegal to me. (Where are those statutorily required factors?) But that doesn't bother me much as ...

2. The regs would have us assume that an increase in child poverty rates is due to TANF unless a state showed otherwise (and why would a state do that?). Yuck, yuck, yuck.

E.

DRAFT August 5, 1997 DRAFT

Regulations on State Child Poverty Rates

Section 413(i) of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) requires that each state report their child poverty rate annually to the U.S. Department of Health and Human Services (HHS).1 If the child poverty rate has increased by five percent or more since the prior year *as a result of Section 103 (TANF) of PRWORA*, the state must also submit a corrective plan that outlines how the state will reduce the child poverty rate.

The Secretary of HHS is charged with establishing a methodology for states to use in determining their child poverty rates. The methodology is statutorily required to include:

- The number of children who receive free and reduced price school lunches;
- The number of food stamp households;
- County by county estimates of children in poverty as determined by the Census Bureau.

From the factors outlined in the legislation (school lunches and food stamp participation) it would appear the Congress is not concerned solely with an *official* measure of poverty. However, given the unsettled nature of the debate on measuring poverty and the requirement that the measure must be able to indicate a five percent change in child poverty, we approach this regulation with a desire not to deviate too far from the official poverty measure.

Our examination of this issue has focused on two questions:

1. A technical methodology for measuring state-level child poverty, including a process for determining whether changes in state-level child poverty are attributable to TANF.
2. Potential regulations regarding corrective action plans.

1. Methodology for Measuring Child Poverty Rates

Data Limitations

We began our consideration of the issue by examining the data sources mentioned in PRWORA. There are certain limitations to the data types mentioned in the law.

- According to the U.S. Department of Agriculture (USDA), schools report participation by the number of lunches served and do not record the number of children who participate. Over the past several years the proportion of lunches served free or reduced price and the proportion of enrollment approved for free or reduced price meals both have risen steadily. During the same time period, however, poverty counts and AFDC participation decreased. The cause of these disparate trends is unknown.

- Currently, the Census Bureau does not estimate small area poverty rates (what the legislation identifies as the Census' county-by-county estimates) on an annual basis. The most recent data currently available is for 1993; 1995 data is expected in 1998.

We also examined other possible data sources that could be used to calculate poverty rates. The most likely data source is the Current Population Survey (CPS), which the Census Bureau uses to calculate annual national poverty rates. It also has a number of limitations, most notably small sample sizes in the majority of states.

POTENTIAL METHODOLOGY

After examining a number of options, HHS staff have developed a potential approach that attempts to balance data limitations with the requirements and intent of the legislation.

Under this approach, the measure of state level child poverty would involve a three-step process:

1. We would ask the Census Bureau to develop annual state child poverty estimates using the method developed for estimating small area poverty rates.

2. If the Census method in Step 1 showed an increase of five percent or more in the child poverty rate for a state, then that state would submit data on the number of households with children participating in the Food Stamp Program.

3. If the use of food stamp data in Step 2 also showed an increase of five percent or more, then states could submit evidence that the increase in child poverty resulted from factors unrelated to TANF.

Step 1: Use of the Census Methodology for Estimating Small Area Poverty

The Census Bureau has developed a model for estimating local area poverty rates. This model, which uses CPS data, the Census Bureau's Annual Intercensal State Population Estimates, Food Stamp Participation data, and IRS Tax Return data, is designed to reduce the large year-to-year variations in state poverty rates that result from CPS-only estimates.

This model would produce the best results from a statistical standpoint. It presents the best opportunity for estimating state-level child poverty rates, and it would allow detection of changes within a statistical confidence interval. At the same time there are limitations to this approach as well. There is a time lag in the availability of the estimates, and the model may not allow the impact of TANF on the poverty rate to be isolated.

Step 2: Use of Food Stamp Participation Data

We are considering augmenting the Census estimates by using more recent food stamp data. If the Census model detected a 5 percent or more increase in the child poverty rate in a state, then the state would submit data on the number of households with children that received food stamps in the two most recent years. This food stamp data would be used to confirm that economic deprivation among children continued to be a problem in a more recent period.

Step 3: Evidence that Increases in Poverty were Independent of TANF

The methods described in steps 1 and 2 above for estimating state child poverty rates would not isolate the impact of TANF on child deprivation. Therefore, our methodology must include additional procedures to shed light on the relationship between TANF and changes in child poverty.

If the Census methodology and use of food stamp data resulted in an estimated increase in child poverty rates by five percent or more, states could submit other evidence--economic, programmatic, etc.--that child deprivation did not increase, or that the increase in the child poverty rate resulted from factors outside of TANF.

2. Corrective Action Plans

If a state's child poverty rate increased by five percent of more resulting from TANF, then the state must submit a corrective action plan. The plan is to outline the manner in which the state will reduce the child poverty rate, including a description of the actions to be taken.

HHS has limited authority to regulate in this area. The statute gives the Secretary explicit authority to establish a methodology, but is silent on authority to regulate corrective action plans. As a result, we do not intend to establish detailed regulations regarding the content and timing of corrective action plans.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

8/5

Elena –

This is the document SK mentioned. On receiving it, I don't think it is particularly well-suited for your purposes. Let's discuss a better vehicle when she returns at the end of the month.

Mike

(for example, it does not adequately discuss future regulatory activity).

Mike Fitzpatrick

Mike —

OK - but let's not let this drop. And would you keep me informed this month of anything interesting / dangerous / newsworthy, etc?

Thanks

Eleni

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Isabelle Katz Pinzler to Acting Associate Attorney General re: Individuals with Disabilities Education Act (IDEA) - 1997 (5 pages)	08/07/1997	P5

COLLECTION:
Clinton Presidential Records
Domestic Policy Council
Elena Kagan
OA/Box Number: 14363

FOLDER TITLE:
DPC - Keep Up On [1]

2009-1006-F
ds278

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]

August 7, 1997

TO: Bruce
Elena

FROM: Diana

Attached is a draft Presidential Memorandum that would direct agencies to "explore additional measures to expand service opportunities for Federal employees." We considered doing this at the time of the service summit, but dropped it in the crush of events because we were having trouble getting clearance from the Labor Dept. Now they're OK with this draft.

So I want to make sure you think this is still worth doing before I launch it into a final clearance through OMB/Mac Reed. It's not the meatiest document in the world, in that it basically asks agencies to see if they're taking advantage of existing flexibility in personnel policies, but it's probably worth doing.

I am asking OPM to make sure the unions won't hate it. I don't think they will, but it might not be worth the aggravation if they did.

FYI, OPM is a bit concerned that federal agencies have different policies on time off for federal employees to volunteer, and is anxious to release guidance to agencies soon after such a memorandum would go out so that they can make it clear what the groundrules are.

(I've wondered if this is a possible vacation announcement, but it's probably too boring.)

Diana/Bruce —

Shouldn't this be government-wide? — i.e., instead of asking each agency to devise family-friendly policies, we should be asking OPM to tell the agencies what they can/should be doing in this area? — or OPM should just be telling them. Aside from the uniformity question, I worry whether this kind of open-ended invitation will seem ~~like~~ to conflict with the primary goal of the federal govt as employer — work. But I haven't been paying much attention to this area, and this is just an uninformed gut reaction.

Elena

THE WHITE HOUSE

Office of the Press Secretary

May , 1997

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Strengthening Our Commitment to Service

Citizen service is the main way we recognize that we are responsible for one another. It is the very American idea that we meet our challenges as members of a true community, with all of us working together. Citizen service cannot be a pursuit for a week or a month. The ethic of service must extend throughout a lifetime.

I recognize the fact that over the years great numbers of Federal employees have been generous with their time and talents and have made positive contributions to their local communities even as they have fulfilled their work responsibilities. As the nation's largest employer, the Federal Government has a responsibility to set an example by making it possible for its employees to serve others.

Therefore, I am directing Federal departments and agencies to explore additional measures to expand service opportunities for Federal employees. Each department and agency should review its work scheduling practices for allowing Federal employees to plan and take time off to perform community service and for making maximum use of existing flexibilities, as available, whenever the public business permits. I am directing the Office of Personnel Management to provide information to departments and agencies and to collect information from them in support of this effort. I am also directing each department and agency to report to the Office of Personnel Management within 90 days on the extent to which they are taking steps to implement this memorandum.

The Director of the Office of Personnel Management is authorized and directed to published this directive in the Federal Register.

cc Reed / Jennings
would this be an appropriate?

Jean Callahan
137-40-8520
#13
WH Fellow

MEMORANDUM TO THE PRESIDENT

THE PRESIDENT HAS SEEN
9-23-97

Mr. President, I propose a national home care program for the elderly. Poor and lower income elderly people, who might otherwise be relegated to long term care institutional facilities, can be maintained in their homes with only a few hours per day of non-medical personal care. Such a program is not only cost effective, but benefits both the elderly and the general population as well.

Copied Reed Jennings COS

This national home care program could be modelled on the New York state home care program, in which the individual receives Medicaid-funded home care only if he meets the Medicaid financial eligibility criteria and the cost of care does not exceed 90% of what a nursing home would cost. With these simple guidelines, home care will always be less of a budgetary burden than institutional care.

As a lawyer representing the poor elderly of Harlem, I have witnessed the benefits such a program can bestow on both the elderly and the rest of the community. My client, Mr. S, a severely sight impaired man with a host of other medical problems, is unable to cook or clean his home and needs assistance with personal care. Without his home attendant he would clearly be in a nursing home now. Instead, however, as his home attendant assists him for a few hours each day, Mr. S maintains a dignified presence in his neighborhood. "Pop", as he is called by the children in the apartment building, sits with his two dogs by the front door each day, greeting his neighbors. Bringing a bit of his rural Georgia upbringing to his New York front porch, Mr. S has the air of a village elder. Children in the building have a surrogate grandparent, and they learn respect for their elders. It does takes a village to raise a child, and every village needs it's elders.

This program would benefit low and middle-income families as well as the poor. Under Medicaid eligibility rules, an individual or couple must "spend down" their income and assets in order to meet the income requirements for receiving benefits. These elderly individuals could spend their savings on home care with the knowledge that when their assets are depleted they will qualify to continue receiving home care where there is no medical reason for them to be institutionalized. Where Medicaid and Medicare would pay for institutional care, it is fiscally sound to try to provide less expensive home care where feasible.

The beneficiaries of a home care program are not limited to the elderly and federal taxpayers. In New York, many home care attendants have been able to move from the welfare rolls with these jobs. With minimal training, they are able to learn the skills they need to work as home attendants.

In conclusion, a national home care program will help build stronger communities by giving elderly citizens like Mr. S the opportunity to stay in their communities longer at less expense to the public while providing jobs for members of the community.

Chris —

Are you answering this?
Let me know if you want to do so in the weekly.

Elena

Adoption Rate In Foster Care Varies Widely Among States

By IRVIN MOLOTSKY

WASHINGTON, Aug. 7 — The number of foster children who are ultimately adopted varies widely from state to state — from 96 percent in North Dakota last year to less than 10 percent in Hawaii, according to a study by two groups that specialize in advocacy on children's issues.

The study was done by the National Center for Policy Analysis, a research organization, and the Institute for Children, a public-policy group devoted to increasing adoption and cutting back on foster care.

The National Center for Policy Analysis also said children in foster homes were far more likely to end up on welfare or in jail later in life than children raised in the more stable atmosphere of an adoptive home.

Statistics for the study were gathered over two years by the Institute for Children. Its president, Conna Craig, said the group surveyed the states after the Federal Government failed to do so. The Adoption Assistance and Child Welfare Act called on the Government 17 years ago to compile such data.

Michael Kharfen, the spokesman for the Department of Health and Human Services, disputed Ms. Craig's statement.

"The law in 1980 required the states to maintain the information and provide it to the Federal Government, which they did," Mr. Kharfen said. The Government issued a report on the information submitted in 1982, he added.

Since then, he said, states have been voluntarily providing information on the adoption of eligible foster children, although the information is incomplete. A new law will require another report next year, Mr. Kharfen said.

Among the larger states in the Institute for Children study, California had an adoption rate of almost 35 percent of its eligible children in foster care, Texas nearly 29 percent and Florida almost 44 percent.

Federal payments seem to encourage keeping children in foster care.

The Institute for Children was unable to calculate the adoption rate in New York because the state did not complete the survey form. "This alone tells us something — that New York State could not or would not tell us," Ms. Craig said.

Later today, a spokeswoman for the New York Department of Social Servces, Theresa Wescott, provided the figures for 1996, which put the adoption rate in New York State at just above 25 percent of eligible foster children.

Katy Meaker Menges, the spokeswoman for the National Center for

fen said.

Among the larger states in the Institute for Children study, California had an adoption rate of almost 35 percent of its eligible children in foster care, Texas nearly 29 percent

Federal payments seem to encourage keeping children in foster care.

and Florida almost 44 percent.

The Institute for Children was unable to calculate the adoption rate in New York because the state did not complete the survey form. "This alone tells us something — that New York State could not or would not tell us," Ms. Craig said.

Later today, a spokeswoman for the New York Department of Social Servces, Theresa Wescott, provided the figures for 1996, which put the adoption rate in New York State at just above 25 percent of eligible foster children.

Katy Meaker Menges, the spokeswoman for the National Center for Policy Analysis, said there were many reasons for wide variations in adoptions from state to state.

"Some states send children through courts faster," Ms. Menges said, "and some states have more children than others."

She added that states that were privatizing their adoption generally were increasing the rates at which eligible foster children were adopted.

Both groups involved in the report favor privatization of child care services and maintain that the current system of Federal payments to the states encourages states to keep children in foster homes.

The Federal payments to states for foster care totaled $3.6 billion last year, said Ms. Craig of the Institute for Children, adding that "Federal dollars flow in to keep kids in foster care."

Mr. Kharfen, the Health and Human Services spokesman, said that President Clinton had already acted to double the number of adoptions from foster care by the year 2002 and that he had offered incentives to states to increase such adoptions.

Two bills moving through Congress with bipartisan support would reverse the long-held supposition that reunifying foster children with their birth parents was usually the best policy, and instead would make children's safety the paramount concern.

The bills would offer states money for increasing the adoption of children in foster care. The House has already approved such a measure, and Republican leaders in the Senate favor the House bill.

Both of the groups that issued the report say they are politically independent, but the National Center for Policy Analysis adds that its positions favoring privatization and block grants to states tend to draw support from conservatives. "We provide private-sector solutions to public-policy problems," Ms. Menges said.

Company News:
Tuesday through Saturday, Business Day

Study Links Violence Rate To Cohesion In Community

BY FOX BUTTERFIELD

The largest study ever undertaken of the causes of crime and delinquency has found that there are lower rates of violence in urban neighborhoods with a strong sense of community and values, where most adults discipline children for missing school or scrawling graffiti.

In an article published last week in the journal Science, three leaders of the study team concluded, "By far the largest predictor of the violent crime rate was collective efficacy," a term they use to mean a sense of trust, common values and cohesion in neighborhoods.

Dr. Felton Earls, the director of the study and a professor of psychiatry at the Harvard School of Public Health, said the most important characteristic of "collective efficacy" was a "willingness by residents to intervene in the lives of children." Specifically, Dr. Earls said in an interview, this means a willingness to stop acts like truancy, graffiti painting and street-corner "hanging" by teen-age gangs.

What creates this sense of cohesion is not necessarily strong personal or kinship ties, as in a traditional village, said Robert Sampson, a professor of sociology at the University of Chicago and a co-author of the study. It does help if many residents in a neighborhood own their homes or have lived there for a long time, Mr. Sampson added.

But cohesion, or efficacy, seems to be still another quality, Mr. Sampson suggested, "a shared vision, if you will, a fusion of a shared willingness of residents to intervene and social trust, a sense of engagement and ownership of public space."

The finding is considered significant by experts because it undercuts a prevalent theory that crime is mainly caused by factors like poverty, unemployment, single-parent households or racial discrimination.

Where residents share common values, there is less crime.

These problems do play a role, according to the new study. But some neighborhoods in Chicago are largely black and poor, yet have low crime rates, it found — so some other explanation is needed for the causes of crime.

The study has been conducted in all areas of Chicago since 1990 as part of a major continuing research program known as the Project on Human Development in Chicago Neighborhoods. It was financed at first by the MacArthur Foundation and the National Institute of Justice, the research arm of the Justice Department, and now also has financing from the National Institute of

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The research team selected Chicago as a site because its racial, ethnic, social and economic diversity most closely match those of the United States as a whole, Mr. Sampson said. For the study, Chicago was divided into 343 neighborhoods, and 8,872 residents representing all those areas have been interviewed in depth.

Among those neighborhoods with high levels of cohesion, the authors said, are Avalon Park, a largely black neighborhood on the South Side; Hyde Park, a mixed-race area around the University of Chicago, and Norwood Park, a white neighborhood on the Northwest Side.

The study at least indirectly contradicts the highly acclaimed work of William Julius Wilson, a professor at the John F. Kennedy School of Government at Harvard, who in a series of books, most recently "When Work Disappears: The World of the New Urban Poor" (Knopf, 1996), traces many of the troubles of poor black families in Northern cities to the disappearance of factory jobs as industries moved to the suburbs or overseas.

Both Dr. Earls and Mr. Sampson said they thought that the results of their study suggested that Mr. Wilson's argument was too narrow and did not account for the differences in crime they found in largely black neighborhoods. Still, Professor Sampson acknowledged, concentrated poverty and joblessness "make it harder to maintain" cohesion in a neighborhood.

American Enterprise Institute for Public Policy Research

Cynthia/Diana —
Does this say anything new?
Would The President know about it? Should we do a weekly item?

August 1997

A Quiet Drop in Out-of-Wedlock Births

By Ben J. Wattenberg

New data reveal that illegitimacy rates, which have been rising in America for nearly four decades, may have started to decline.

Out-of-wedlock births have soared and are America's No. 1 social problem. In 1960, 5 percent of America's children were born illegitimately. Now the ratio is a third (32 percent). Scary, straight-line projections have shown it could go to 50 percent.

Yet, unheadlined, major changes are going on. The most critical components of high illegitimacy rates—birthrates among teen-agers and blacks—have fallen dramatically.

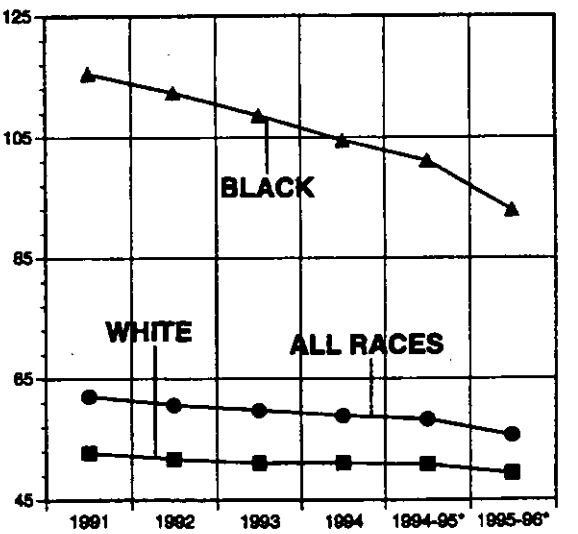
Why no headlines? Due to a temporary statistical anomaly, the trend is seen only faintly in the most publicized index of illegitimacy. But the turnaround will be showing up soon.

The National Center for Health Statistics' (NCHS) most recent statistics, through mid-year 1996, reveal the startling changes.

Teen-age fertility (ages 15–19) dropped by 10 percent from 1991–96, while the decrease for the total population was only 5 percent. White teen birthrates decreased 7 percent—and black teen birthrates by 20 percent.

That's important. These days, catastrophically, about three-quarters of teen-age births are illegitimate. But among women over 20, the illegitimacy ratio is 25 percent. There is also a big racial difference in illegitimacy: 25 percent for white teen-agers, 70 percent for blacks.

Births per 1,000 Women Aged 15–19



Source: National Center for Health Statistics
*=mid-year to mid-year

If there's such stunning headway, why no headlines? After all, illegitimacy, particularly by teen-agers, correlates with major social problems: poverty, crime, welfare, dropouts, cyclical illegitimacy.

The problem is that illegitimacy is usually talked about as a simple ratio, out-of-wedlock births as a percentage of all births. It's

Ben J. Wattenberg is a senior fellow at the American Enterprise Institute and host of PBS' s *Think Tank*. This article appeared in *USA Today* on July 24, 1997.

important. It's understandable. We concentrate on it. And it's changed little in recent years.

How can the out-of-wedlock ratios decline so minutely while the rates decline so sharply among the very groups—teen-agers and blacks—that contribute so heavily to it?

Teen-agers comprise a very small proportion of the population. Women are considered statistically fertile for the 29 years from 15–44. During the four years (age 15–19) that teen-agers are statistically fertile, they bear 13 percent of the babies. So, when the teen-age fertility falls, it has only a limited effect on the ratio.

Moreover, fertility decreased not only for teen-agers (mostly illegitimate) but also among older women (mostly legitimate). If both sides of the proportion shrink, the ratio won't move much. Demographer Stephanie Ventura of NCHS says, "The out-of-wedlock ratio is a flawed index because it doesn't properly take into account the decline in married fertility."

So why is this good news? Because teen-agers become adults. (Flash!)

If unmarried teen-agers refrain from childbirth, they likely will have children later on, after they are married (perhaps at increased rates). This means that the illegitimacy ratio will go down solidly—but slowly. Each year only 1/29th of the fertility spectrum moves from teen-ager to 20-something. Martin O'Connell, chief of fertility and family statistics for the Census Bureau, says, "Once out-of-wedlock birth is delayed, it may never happen. Personal responsibility and contraceptive techniques learned as teen-agers are likely to stick."

Is this trend definite? Part of the coming illegitimacy ratio decline is already baked into the cake—by teen-agers who haven't borne children during the past five years. The illegitimacy ratio will go on falling if teen-age fertility rates simply don't go up. It will fall faster if they continue to decline.

Douglas Besharov, welfare expert at the American Enterprise Institute, says: "The data correlate with other indicators. Contraceptive use among teen-agers is up. Abortion is down partly because of fewer conceptions. Welfare recipiency and high school dropout rates are down."

Why Now?

Tighter state-by-state welfare provisions, made possible by federal waivers granted in the first part of the 1990s, probably discouraged young women from bearing out-of-wedlock children. An "announcement effect" of the federal welfare-reform bill had an impact even before the law was passed. There have been publicity campaigns. A growing economy lifted many poor people to higher economic status, where fertility is lower.

What Will It Mean?

Plenty. Consider "income inequality." It said the poor are getting poorer while the rich get richer. Yes, but. In part that's coming from the increase in single-parent households, caused partially by out-of-wedlock teen-age births. Median income for female-headed households was $21,348 in 1995, compared with $47,129 for married couples. Fewer female-headed households in the future will mean less income inequality.

Who Should Get the Credit?

Most welfare waivers have been granted during the Clinton presidency. But mostly GOP governors did the asking. Clinton says he "ended welfare as we know it." The Republicans say their tough bill passed. Conservatives point to a campaign for teen-age abstinence. Liberals look at sex education.

Let everyone take credit. There's work to be done. Illegitimate birth is still problem No. 1. But something is going on that bodes better. That will show up in the illegitimacy ratios. Then it will be headline news.

American Enterprise Institute for Public Policy Research

AEI

August 1997

On the Issues

Birth Rates Close to Racial Parity

By Ben J. Wattenberg

The decline in fertility rates among black women should have mostly positive effects on blacks and on America as a whole.

"Blacks have so many children." How long have you heard that? If you're like most white Americans, the answer is: Forever.

But it's not true anymore. That it is no longer true probably signals a major change coming in American society, mostly for the better.

Consider first the dramatic turn in the data:

The total fertility rate (TFR) fell from 2.48 children per black woman in 1991 to 2.15 in mid-1996, a decrease of 13 percent to the lowest rate for blacks ever recorded. Over the same time frame the TFR for white women did not decrease, actually growing very slightly, from 2.00 to 2.01. The fertility differential between the races is now only about 7 percent, and closing rapidly. Give or take a tenth of a child, the rates are about even. (Source: National Center for Health Statistics.)

By contrast, back in 1980 the difference between white and black fertility was not 7 percent, but 20 percent. A decade earlier, the differential was 25 percent.

The rate of closure among teen-agers is even more dramatic. From 1991 to 1996 there was a 7 percent decrease in white teen-age birth rates—and a 20 percent decrease among black teen-agers, with an 8 percent drop among black teen-agers during the last year alone. This is particularly important because about 75 percent of all teen-age births are illegitimate, with an even higher ratio for black teen-agers. Teen-age fertility, delayed now, should mean a lower ratio of illegitimacy in the future.

So far, this is very good news for blacks and for all Americans—a great leap forward. The decline in black fertility probably reflects several diverse situations. There has been substantial growth in the black middle class in recent years. Black median income has climbed faster than white income since 1990, although there is still a large gap. Black and white high-school graduation rates are now just about at parity, roughly 90 percent by age 25. There were about 200,000 blacks with college degrees in 1950 and 500,000 in 1970. Today the number is 2.7 million. As a general rule, people in the middle class, with higher education, have lower fertility rates than less-educated people.

In some respects, lower fertility rates not only reflect middle-class households but also help create middle-class households. After all, a constant income with fewer mouths to feed yields higher per capita income.

Welfare reform has also played a role. In the early 1990s states began getting federal welfare waivers that demanded work from

Ben J. Wattenberg is a senior fellow at the American Enterprise Institute and the host of the weekly public television program *Think Tank*. A version of this article appeared in the *Washington Times* on July 31, 1997.

able-bodied persons on welfare. This had the effect of providing disincentives to out-of-wedlock births, particularly among teen-agers. The passage of the tough 1996 federal welfare reform law has made those disincentives more powerful still.

Smaller families, more income and more income per capita, higher educational attainment, and less illegitimacy—that's not only all to the good, but likely self-perpetuating. Moreover, as white and black fertility rates approach parity, a certain sort of anti-black sentiment may diminish. For a long time there has been an inchoate fear among some whites that blacks will become an ever-larger proportion of the population. Actually, the percentage of blacks in the American population today (12 percent) is much lower than it was in 1850.

I do see one problem with the current situation. Blacks who have done well have even lower fertility rates than whites. As regular readers of my column know, I regard American fertility rates among the middle class as way too low. College-educated white women have a TFR of about 1.6 children per woman. It takes a 2.1 rate merely to keep a population constant over time. But college-educated black women have an even lower fertility rate than whites (1.5 children per woman).

In an important way, the very low fertility rate among college-educated black women is more disturbing than the near-similar white rate. We have all heard the (appropriate) pleas for black "role models." College graduates are likely to be able to give their children most of the advantages of good education and a stable home life. If those college graduates then have very few children, they are, in effect, lowering the number of role models for the next generation—just when another great leap forward should begin.

EK

John Podesta
08/15/97 07:58:13 PM

Record Type: Record

To: Jason S. Goldberg/WHO/EOP

cc:

Subject: INS

Please give to Erskine.

---------------------- Forwarded by John Podesta/WHO/EOP on 08/15/97 07:54 PM ---------------------------

Craig T. Smith
08/13/97 09:05:50 AM

Record Type: Record

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

cc:

Subject: INS

It is my understanding that the INS is going to put out RFP's next month for over a billion dollars worth of contracts covering a variety of services. These contracts will run 5 years. If we are going to look at restructuring the INS, someone should probably make a decision as to whether or not those RFP's should go forward.

Message Sent To:

Ron Klain/OVP @ OVP
Bob A. Stone/OVP @ OVP
John Podesta/WHO/EOP
Maria Echaveste/WHO/EOP
Bruce N. Reed/OPD/EOP
Gene B. Sperling/OPD/EOP

Bruce Reed
[illegible] ... clearly we only want to be involved to give input ... 100% ... appropriately ... [illegible]
Erskine

Tom/Leanne —

Could you look into this — i.e., figure out whether we can involve ourselves and, if so, what INS is/should be doing? Thanks.

Elena

Rush

Mike / Bill / Tanya —

I think This is what prompted The Begala memo. Seems like a narrower assignment to me!

Elena

P. S. Could you put together a 1-2 pp memo to The President on our current thoughts about September/October events? ASAP. Thanks

Rahm / Begala

B Reed

we need a communications strategy in place → should be a talk to deliver next week at a college or two

BC

THE PRESIDENT HAS SEEN
8-13-97

Copied
Emanuel
Begala
Reed
COS

School tax breaks may need study

The tax-cut bill signed into law this week is jammed with provisions designed to help families cope with rising college costs. Trouble is, the legislation is thicker than a chemistry textbook and about as much fun to read. USA TODAY personal finance reporter **Sandra Block** takes a look at some of the new rules and who will benefit.

MANAGING Your MONEY

Ever since their 12-year-old twin daughters were in diapers, Marla and Michael Whiteside of Roanoke, Va., have saved for the girls' college education.

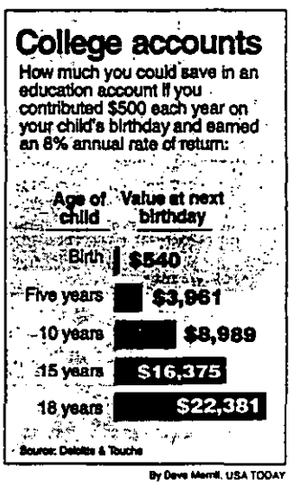
By investing regularly in several mutual funds, they've managed to save about $25,000 in each girl's name. Still, Marla fears it won't be enough.

The Whitesides' combined income — she works at a community college, and he's an electrical linesman — disqualifies them for most financial aid. The family isn't counting on scholarship money, either.

"My children are average kids — they're not jocks," Marla says. "We'll probably have to foot the whole bill."

By Don Petersen, AP, for USA TODAY

Road to the future: Marla, left, and Michael Whiteside, of Roanoke, Va., hope to take advantage of education tax credits for 12-year-old twin daughters Samantha, second from right, and Tiffany.



By Dave Merrill, USA TODAY

Now, families like the Whitesides may get relief. The tax bill signed into law this week by President Clinton contains a bevy of tax breaks for parents of college-bound children, graduate students and even adults who want to hone their job skills.

Unfortunately, the provisions are so complex that accountants are trying to figure out what they mean.

Some details won't become clear until the Internal Revenue Service issues its interpretation of the law later this year.

Still, there are steps you can take now to cut college costs for yourself or your children:

▶ **Pay close attention to the dates the provisions take effect.** While a school year typically begins in the fall, the tax bill follows a calendar year.

As the accompanying chart shows, none of the tax credits kick in before Jan. 1, 1998, and some aren't effective until July 1998.

So don't plan on taking any credits on your 1997 tax returns, even if you've got children starting college this fall.

You may want to postpone paying for the spring semester until January if your college allows it. That way, you could probably take full advantage of the tax credits in 1998.

Similarly, if you have an outstanding student loan and intend to start making payments soon, you may want to try deferring the first payment until January. A provision allowing students to deduct interest on their student loans covers payments due after Dec. 31.

In addition, the deduction is limited to the first five years of the loan repayment, so postponing your first payment will buy you some time.

▶ **Keep good records.** The tax bill is jammed with restrictions on how the credits, deductions and other breaks can be used.

You may need to demonstrate that the school your child plans to attend qualifies for a Hope credit, or that the night courses you want to take next year are job-related.

▶ **If you're divorced, or are getting a divorce, take a hard look at how your child-support agreements will affect your eligibility for the new tax credits.** To qualify, a parent must pay the child's college tuition and claim the child as a dependent for tax purposes. If one parent pays the tuition and the other claims the child as a dependent, both may be denied the tax credit.

▶ **If you have young children, start planning now to take advantage of the education individual retirement account (IRA) next year.** The education IRA could be the most attractive provision in the bill, and most families can take advantage of it.

If you start one when your children are young and contribute the maximum permitted every year, you can build up a healthy sum by your child's freshman year.

And like the Roth IRA, you won't have to pay taxes on the withdrawals, as long as the money is used for education. Since the Hope tax credit is only available for the first two years of college, the education IRA can help you pay for the remaining two years.

The law bars families from taking a Hope credit the same year they withdraw money from an education IRA.

But some families may decide to forgo the credit anyway, says Tom Ochsenschlager, partner at accounting firm Grant Thornton.

"If you play the education IRA to the fullest extent possible, you may not need the other stuff," he says.

USA TODAY • FRIDAY, AUGUST 8, 1997

A look at the education tax incentives

Hope scholarship tax credit

How it works: The first two years of college, a family can get a maximum tax credit of $1,500 (100% of the first $1,000 in expenses and 50% of the next $1,000). The credit is available for tuition and related expenses but not room and board. To qualify, the student must be enrolled on at least a part-time basis in an accredited college, university or vocational school.

Who qualifies: Single parents with an adjusted gross income (AGI) less than $40,000 a year; married couples with an AGI less than $80,000. Partial credits are available for singles making $40,000 to $50,000 and couples making $80,000 to $100,000.

Restrictions: Parents can't claim the credit for a student who has been convicted of a felony drug offense the year in which the credit applies. Financial aid and scholarship money may reduce the tax credits a family can claim. Parents who don't pay the student's tuition or list the student as a dependent on their tax returns can't claim the credit. Parents who are taking distributions from an education individual retirement account can't use a Hope credit in the same year.

Effective date: Jan. 1, 1998.

Lifetime learning credit

How it works: Families of college juniors, seniors or graduate students can receive a tax credit of up to $1,000 (20% of the first $5,000 of expenses) through 2002.

Working adults also can use it for classes to improve their job skills. Taxpayers can spread the credit over several years. In 2003, the maximum credit will rise to $2,000 (20% of the first $10,000).

Who qualifies: Single parents with an adjusted gross income of less than $40,000; married couples with an AGI of less than $80,000. Partial credits are available for singles who make between $40,000 and $50,000 and couples with an AGI between $80,000 and $100,000. Working adults who meet the income limits can use the credits to take college courses. Part-time students can also use the credits.

Restrictions: Families who are taking money out of their education IRA to pay expenses can't claim the Lifetime learning credit. Working adults must take classes that they can demonstrate will improve their job skills to claim a credit. Parents must pay the child's tuition and claim the child as a dependent to qualify.

Effective date: June 30, 1998.

Education account

How it works: Families can contribute up to $500 a year per child in a special savings account set up specifically for education expenses.

Contributions aren't deductible, but withdrawals and investment earnings are tax-free if the money is used for education. Money left after one child has finished college can be used to pay another child's college costs.

Who qualifies: Single taxpayers with adjustable gross income up to $95,000; married couples with AGI of up to $150,000.

Families who meet the income limits can set up an education IRA even if they're contributing the maximum allowed to their 401(k) plans and other retirement savings accounts.

Restrictions: Although the account is called an education individual retirement account, it has nothing to do with retirement. If all the money in an education IRA isn't used for college, the family may have to pay income taxes and a 10% penalty on the balance.

In fact, the law requires families to withdraw all of the money by the time the child turns 30, even if the individual is still in school.

Effective date: Jan. 1, 1998.

Deduction for student loan interest

How it works: Students can deduct interest on qualified education loans from their taxes.

The limit on the deduction is $1,000 in 1998; $1,500 in 1999; $2,000 in 2000; and then rises to $2,500 in 2001 and beyond.

The deduction is an "above-the-line" deduction, which means taxpayers can use it even if they don't itemize on their tax returns.

Restrictions: The full deduction is limited to single taxpayers who make less than $40,000 a year; singles who make up to $55,000 can take a smaller deduction.

For married couples, the cutoff for the full deduction is $60,000; couples who make up to $75,000 can take a partial deduction.

But taxpayers who are still claimed as a dependent by their parents can't take the deduction.

The deduction is limited to the first five years of the loan.

Effective date: The deduction is available for interest payments due after Dec. 31, 1997.

For existing loans, interest payments can be deducted as long as the loan isn't more than 5 years old.

EDUCATION

"This is Math?," *Time,* August 25, pp. 66-67.

- Debate over "interactive" or "inventive" math instruction, focusing on trial-and-error problem solving in groups instead of repetition and memorization. Critics charge that the approach degrades basic computational skills and that it has not shown any results.

Chris —
Is there anything to do this?
Anything we ought to be doing?
Elena

HEALTH CARE

"In This Drug War, Consumers are the Casualties," *Business Week,* August 25, p. 46.

- Pharmaceutical companies who make brand-name drugs are mounting aggressive efforts to prevent generic drugs from supplanting them.

- Some strategies: lawsuits (On July 28, U.S. district court judge Stanley Sporkin overturned FDA approval of a generic version of Pergonal, a fertility drug), lobbying the FDA, lobbying states to ban FDA-approved generics, lobbying Congress for longer patent terms, producing drugs with poorly understood trace ingredients that companies argue are crucial to the drug's success, lobbying states to pass laws requiring doctor-patient consent for generic substitutions (passed in North Carolina after a drive by DuPont Merck).

"Shortchanging the Psyche," *Newsweek,* August 25, p. 78.

- Managed care plans are often extremely restrictive on mental health benefits. Plans often riddle their mental health coverage with gaps (i.e. attention deficit disorder is often not covered), prescribe drug therapy instead of therapist visits, and require lengthy documentation that might compromise the patient's privacy.

PRIVACY

"Invasion of Privacy," *Time,* August 25, pp. 28-35 (cover story) ***article attached.**

- A catalogue of ways that privacy is being eroded, from the unauthorized browsing of records to the use of medical information in hiring and firing decisions to the practices of tracking Internet browsing and monitoring email.

TOBACCO

"Why Congress Should Stub Out the Tobacco Deal," Robert Kuttner, *Business Week,* August 25, p. 28.

- Current litigation makes tobacco companies even more vulnerable than before; the

Elena,

Enclosed is the Workplace Religious Freedom Act, I mentioned. I have also enclosed a religious news article for background.

I have spoken to Marvin Krislov at Labor and Andrew Pincus at Commerce about the Bill and I have also asked OLC for their comments. I have not yet reached out to SBA but I think they should probably be included in the process. Let me know where you want to go from here.

FYI we are getting a lot of inquiries about our position from the religious groups.

Bill

Tom/ Mary —

This comes from Bill Marshall. Could you look into it? I take it that DOL and Commerce have reservations, but it seems like a pretty good bill to me. First, see if this is likely to come up anytime soon; if not, we might consider ignoring it. If we do want (or have) to go forward, we should invite all the interested parties to a meeting. Let me know.

Elena

O:\ALD\ALD97.518

S.L.C.

105TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. KERRY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workplace Religious Freedom Act of 1997".

SEC. 2. AMENDMENTS.

(a) DEFINITIONS.—Section 701(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(j)) is amended—

(1) by inserting "(1)" after "(j)";

(2) by inserting ", after initiating and engaging in an affirmative and bona fide effort," after "unable";

(3) by striking "an employee's" and all that follows through "religious" and insert "an employee's religious"; and

(4) by adding at the end the following:

"(2) As used in this subsection, the term 'employee' includes a prospective employee.

"(3) As used in this subsection, the term 'undue hardship' means an accommodation requiring significant difficulty or expense. For purposes of determining whether an accommodation requires significant difficulty or expense—

"(A) an accommodation shall be considered to require significant difficulty or expense if the accommodation will result in the inability of an employee to perform the essential functions of the employment position of the employee; and

"(B) other factors to be considered in making the determination shall include—

"(i) the identifiable cost of the accommodation, including the costs of loss of productivity and of retraining or hiring employees or transferring employees from one facility to an-

other, in relation to the size and operating cost of the employer;

"(ii) the number of individuals who will need the particular accommodation to a religious observance or practice; and

"(iii) for an employer with multiple facilities, the degree to which the geographic separateness or administrative or fiscal relationship of the facilities will make the accommodation more difficult or expensive.".

(b) EMPLOYMENT PRACTICES.—Section 703 of such Act (42 U.S.C. 2000e–2) is amended by adding at the end the following:

"(o)(1) As used in this subsection:

"(A) The term 'employee' includes a prospective employee.

"(B) The term 'leave of general usage' means leave provided under the policy or program of an employer, under which—

"(i) an employee may take leave by adjusting or altering the work schedule or assignment of the employee according to criteria determined by the employer; and

"(ii) the employee may determine the purpose for which the leave is to be utilized.

"(C) The term 'undue hardship' has the meaning given the term in section 701(j)(3).

"(2) For purposes of determining whether an employer has committed an unlawful employment practice under this title by failing to provide a reasonable accommodation to the religious observance or practice of an employee, an accommodation by the employer shall not be deemed to be reasonable if such accommodation does not remove the conflict between employment requirements and the religious observance or practice of the employee.

"(3) An employer shall be considered to commit such a practice by failing to provide such a reasonable accommodation for an employee if the employer refuses to permit the employee to utilize leave of general usage to remove such a conflict solely because the leave will be used to accommodate the religious observance or practice of the employee.

"(4) It shall not be a defense to a claim of unlawful employment practice under this title for failure to provide a reasonable accommodation to a religious observance or practice of an employee that such accommodation would be in violation of a bona fide seniority system if, in order for the employer to reasonably accommodate such observance or practice—

"(A) an adjustment would be made in the employee's work hours (including an adjustment that requires the employee to work overtime in order to avoid working at a time that abstention from work is necessary to satisfy religious requirements), shift, or job assignment, that would not be available to any employee but for such accommodation; or

"(B) the employee and any other employee would voluntarily exchange shifts or job assignments, or voluntarily make some other arrangement between the employees.

"(5)(A) An employer shall not be required to pay premium wages or confer premium benefits for work performed during hours to which such premium wages or premium benefits would ordinarily be applicable, if work is performed during such hours only to accommodate religious requirements of an employee.

"(B) As used in this paragraph—

"(i) the term 'premium benefit' means an employment benefit, such as seniority, group life insurance, health insurance, disability insurance, sick leave, annual leave, an educational benefit, or a pension, that is greater than the employment benefit due the employee for an equivalent period of work

performed during the regular work schedule of the employee; and

"(ii) the term 'premium wages' includes overtime pay and compensatory time off, premium pay for night, weekend, or holiday work, and premium pay for standby or irregular duty.".

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by section 2 take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by section 2 do not apply with respect to conduct occurring before the date of enactment of this Act.

SA WRFA

Baptist Joint Committee PROCLAIM LIBERTY

REPORT FROM THE CAPITAL

Volume 51, No. 19 October 1, 1996

NewsMakers

◆ Former Washington Post reporter **Carl Bernstein** and Italian journalist **Marco Politi** have published a book claiming **Pope John Paul II** secretly worked with the CIA to bring down Poland's communist government and that the United States and the Vatican had an "informal" partnership on issues such as abortion and nuclear arms.

◆ New York City Mayor **Rudolph Giuliani** is considering an offer to send 1,000 public school students to a Catholic school system. He said private funds would be used, but the American Jewish Committee warned the mayor to heed church-state concerns. The AJC said student participation must be voluntary.

◆ **Hala Maksoud**, president of the American-Arab Anti-Discrimination Committee, is seeking an apology from the Portsmouth (Va.) Police Department for arresting (but later releasing) two Muslim women wearing face veils. Maksoud said the officer told the women, who were walking from a mosque to a store, that it is unlawful to wear a "mask" in public.

◆ **Barry Lynn**, executive director of Americans United for Separation of Church and State, said that while the Christian Coalition claims 1.8 million members, the actual number is closer to 310,000, according to 1995 U.S. Postal Service reports. Δ

Workplace religious liberty bill favored by U.S. religious groups

A diverse religious coalition is supporting a bill that would require employers to provide greater accommodation for the religious practices of employees.

The Workplace Religious Freedom Act recently was introduced by Rep. Jerrold Nadler, D-N.Y., and Sen. John Kerry, D-Mass.

"No American should ever have to choose between their job and the right to practice their religion."
— **Rep. Jerrold Nadler**

Backers of the bill hope to raise the issue this year and build support for passage in the next Congress.

The Coalition for Religious Freedom in the Workplace joined Nadler at a press conference to show support for the bill.

Federal civil rights laws require employers to reasonably accommodate the religious practices of an employee unless the accommodation poses an "undue hardship" for the employer. Supporters of the bill say the Supreme Court has interpreted employees' rights too narrowly.

The new measure would define "undue hardship" for an employer to mean "significant difficulty or expense."

Kerry said the bill's definition of undue hardship has worked well in the Americans with Disabilities Act. "Religious discrimination should be treated fully as seriously as any other form of discrimination that stands between Americans and equal employment," Kerry said.

Nadler said, "No American should ever have to choose between their job and the right to practice their religion." He said two Supreme Court decisions upset the balance between legitimate business concerns and the rights of employees.

Nadler said that in one case, the high court held an undue burden to be anything more than a "de minimus cost to the employer." A very slight burden could suffice under the decision, he said. Another decision held that "any reasonable accommodation by the employer is sufficient to meet the obligation to accommodate," even if the employee prefers another form of accommodation.

"If the Civil Rights Act's promise of a workplace free from religious discrimination has any meaning at all, it is that employers must make a genuine effort to accommodate the religious beliefs of employees," he said.

James M. Dunn, executive director of the Baptist Joint Committee, said the measure would ensure an "appropriate" place for religion in the workplace. "It will return the law to its former strength, requiring employers to accommodate religious practices unless doing so would cause significant difficulty," he said.

Steve McFarland, director of the Christian Legal Society's Center for Law and Religious Freedom, said in a written statement that the measure would be good for business. "An accommodated worker of faith will be a grateful, faithful worker," McFarland said. "Conversely, forcing an employee to choose between her job and her deepest convictions will ultimately increase job turnover and decrease productivity," he added. Δ

THE UNACCOM

Why Congress Needs to Pass the Workplace Religious Freedom Act

BY RICHARD T. FOLTIN

A staff pharmacist and Orthodox Jew, Marvin Brener asked his supervisor to arrange his shifts so that he would not have to work on Saturday, the Sabbath, or on Jewish holidays such as Rosh Hashanah and Yom Kippur. Though granting the request at first, the hospital eventually refused, arguing that accommodation of Mr. Brener's religious practice posed a "morale problem" because other pharmacists were complaining about this "preferential treatment." Brener—scheduled to work on a holiday that his faith forbade him to—was forced to resign. He sued, but the federal court of appeals for the fifth circuit ruled that the hospital was not obligated to accommodate Brener's religious observance if that would lead to "disruption of work routines and a lessening of morale among other pharmacists."

Three Orthodox Jewish bus drivers asked the New York Transit Authority to schedule them so they didn't have to work on the Sabbath and on Jewish holidays. The Transit Authority would have done so, but astonishingly, the Transport Workers Union—the putative representative of these transit workers—argued that its collective bargaining agreement with the Transit Authority barred any schedule adjustment. Even a voluntary switch of shifts, it said, encroached on the seniority rights of other drivers. Two of the three bus drivers were later fired. (In a similar case the union had refused a request for an accommodation by a Seventh-day Adventist, Mary Lee Meyers. When she failed to appear for work, as scheduled, her firing was upheld by an intermediate New York appellate court which held that even though New York state law requires reasonable accommodation of Sabbath observance, a "collective bargaining agreement which rendered seniority rights superior to accommodation for religious observance was nondiscriminatory. . . . Where the employer and union had agreed to such a seniority system, the employer had no right to contravene those rules unilaterally." On October 22, 1996, the New York Court of Appeals, the state's highest court, ruled in favor of Mary Lee Myers against the New York Transit Authority and remanded the case to a remedial intermediate court for determination of actual amount of damages.)

Mohan Singh—a Sikh Muslim forbidden by his religious precepts from shaving his facial hair except in medical emergencies—applied for the position of manager at a restaurant where he was already employed, but was denied the position because he wouldn't shave his beard. When the Equal Employment Opportunity Commission brought a religious discrimination claim on Mr. Singh's behalf, a federal district court ruled that "relaxation" of the restaurant's grooming standards would adversely affect the restaurant's efforts to project a "clean-cut" image and would make it more difficult for the restaurant to require that other employees adhere to its facial hair policy.

These cases, and others like them, show that the religiously observant worker is faced with a situation in which employers are allowed, and in some cases even required, to grossly disregard the religious obligations of employees.

For this reason Congress should ensure that its 1972 amendment to the Civil Rights Act of 1964 affords religiously observant employees genuine protection. The Workplace Religious Freedom Act (WRFA), introduced toward the close of the 104th Congress by Senator John Kerry of Massachusetts and Representative Jerrold Nadler of New York—and supported by a

Richard T. Foltin is legislative director and counsel in the Office of Government and International Affairs (Washington, D.C.) of the American Jewish Committee.

MODATED

broad range of religious and public-interest organizations—was written to do just that. This law would provide essential clarification for the courts, and for the public, on just what the amendment is supposed to mean.

In 1972 the U.S. Congress amended the Civil Rights Act of 1964—which already forbade employment discrimination on the basis of religion—to include as a form of religious discrimination the failure of an employer to reasonably accommodate an employee's religious observance, unless such accommodation would impose an "undue hardship" on the employer's business. However reasonable on its face, the standard enacted in 1972 has been interpreted by the courts so narrowly that it places relatively little restraint on an employer's ability to refuse a religious accommodation.

The first such interpretation, at least at the High Court level, came in *Trans World Airlines v. Hardison* (1977), in which the Supreme Court ruled that anything more than a *de minimis* cost to an employer would constitute an "undue hardship." The *Hardison* Court concluded that virtually any financial cost to an employer would be more than *de minimis* and thus be "undue," an interpretation that gives precious little protection to the religious employee.

The cases involving Brener, the New York Transit Authority, and Singh show that "undue hardship" has been used to release an employer from accommodating for a range of even noneconomic reasons. According to the courts that rule in these matters, an "undue hardship" occurs if an accommodation would impact "morale," present a technical violation of seniority rules (even where the accommodation does not require another employee to work on, say, Saturday, when the employee's seniority status entitles her not to do so), or impact the employer's "image."

Unfortunately, the definition of "undue hardship" isn't the only difficulty with present interpretation of the 1972 amendment.

In another case, *Ansonia Board of Education v. Philbrook* (1986), the Supreme Court found that "any reasonable accommodation by the employer is sufficient to meet the obligation to accommodate," and that the employer could refuse less onerous, but still reasonable, alternatives to the employee. This treatment is inconsistent with cases of racial and national origin discrimination, in which the Court has held that a plaintiff successfully demonstrates discrimination when he or she proves the existence of alternative employment practices that have less adverse impact on minorities but nevertheless fulfill the employer's business needs.

Then, even assuming an employee gets past the "undue hardship" hurdle, the courts have been unfriendly to religious concerns regarding what a "reasonable accommodation" means. This problem continues especially in the context of employees whose religion forbids them from working on their Sabbath. For instance, in one decision the court found that a work-shift rotation system that would require an employee to violate his or her Sabbath "only" once a month was, without any additional effort by the employer, already a "reasonable accommodation."

In another problematic application of the 1972 amendment, the courts have held that even amicable, commonsense arrangements between employer and employee intended to accommodate a religious practice are not required—or are perhaps prohibited—when they would constitute hypertechnical violations of existing seniority arrangements. Employees have been prevented from engaging in "shift swaps," even when senior Employee A is willing to give up his right not to work on Saturday in order to accommodate the religious needs of fellow Employee B. The rationale is that the employer is first obligated to offer the shift swap to all employees senior to the employee seeking accommodation, even though, if not for Employee A's desire to accommodate the religious practice of Employee B, no such swap

would have been offered in the first place. In other words, before Employee B can be free from Sabbath work, all employees senior to him must be first allowed to switch with Employee A, which means that anyone senior to Employee B can have the Sabbath off, even if just to play golf.

Similar objections to accommodation, grounded in readings of existing seniority arrangements or applicable labor laws unsympathetic to the needs of the religiously observant, have hindered employers and employees who wish to accommodate religious practice amicably—even when those arrangements have no real-world impact on the interests of other employees. For instance, an employee who cannot work on Saturday for religious reasons can be forbidden to work an extra two hours Monday through Thursday at regular pay if the employer would otherwise be required to pay overtime rates to an employee working additional hours on a weekday.

Of course, the courts do sometimes rule that providing an accommodation does not pose an "undue hardship" on an employer (such as in the Mary Lee Myers case). Even without the courts, employers often find a way—as a matter of decency—to adopt unburdensome measures that can spare the employee an untenable crisis of conscience.

Nevertheless, because enough cases exist in which accommodations have been unfairly denied, America needs the Workplace Religious Freedom Restoration Act. WRFA would define "undue hardship" as "an action requiring significant difficulty or expense" and would require that, to be considered an undue hardship, the cost of accommodation must be quantified and considered in relation to the size of the employer, thereby undoing the notion that any hardship more than *de minimis* is undue.

WRFA would allow religiously observant employees and their employers—and, where pertinent, sympathetic fellow employees—to make commonsense arrangements to accommodate religious practice, including voluntary shift swaps or modifications of work hours, without being deemed to have violated the rights of fellow employees.

WRFA would require that when several methods of accommodation are available that wouldn't constitute an undue hardship for the employer, the method least onerous to the employee should be used.

And WRFA would require that to qualify as a reasonable accommodation an arrangement must actually *remove* the conflict (one could hardly imagine that it is necessary to codify this, but it is).

But would not a legislative measure such as WRFA, intended to strengthen the obligation of private employers to accommodate an employee's religious practice, run afoul of the First Amendment's Establishment Clause, which requires that government not favor one religion over another, or religion over nonreligion? In the case of *Estate of Thornton v. Caldor* (1983), the Supreme Court struck down a Connecticut statute that gave employees an absolute right not to work on their Sabbath.

In a concurring opinion in that case, however, Justice Sandra Day O'Connor specifically distinguished the Connecticut statute from the Civil Rights Act's religious accommodation provision: "A statute outlawing employment discrimination based on race, color, religion, sex, or national origin has the valid secular purpose of assuring employment opportunity to all groups in our pluralistic society. . . . Since [the Act] calls for reasonable rather than absolute accommodation and extends that requirement to all religious beliefs and practices rather than protecting only the Sabbath observance, I believe that an objective observer would perceive it as an antidiscrimination law rather than an endorsement of religion or a particular religious practice."

In short, the act of the legislature in requiring reasonable accommodation of religious practice in the workplace—especially when coupled with an exemption for employers for whom the provision of even that accommodation would pose an undue hardship—fairly balances the twin constitutional values of government neutrality toward religion under the Establishment Clause and individual religious liberty under the Free Exercise Clause. It balances as well the imperative to avoid placing excessive burdens on employers with the compelling national interest in prohibiting discrimination in the workplace.

Though WRFA didn't get passed in either the House or Senate this year, remedial legislation of the type is long overdue. The enactment of WRFA would present an important step toward ensuring that all members of society, whatever their religious beliefs or practices, will not unfairly be denied equal employment opportunities based on aspects of their identity that are not pertinent to their ability to do the job—a principle of fairness that is part of our national birthright and pride.

...hough WRFA didn't get passed in either the House or Senate this year, remedial legislation of the type is long overdue.

Breed → it's a good try to get an example work Musica? Do we need to say anything else

THE PRESIDENT HAS SEEN
8-13-97

City Balks at Measure for Campus Workfare Jobs

By KAREN W. ARENSON

Fearing that workfare rules were forcing college students on welfare to drop out of school, the State Legislature adopted legislation this week that sponsors said would require officials to place students in workfare jobs on college campuses so they can continue their studies.

Whether students on welfare should be bound by the same workfare rules as other recipients has been one of the biggest battles between Mayor Rudolph W. Giuliani and the City University of New York.

CUNY has long pressed for workfare sites on its campuses, but the Mayor's office has allowed only two small pilot programs until now, one at La Guardia Community College in Queens and another at Lehman College in the Bronx.

CUNY officials welcomed the new legislation yesterday, saying it should help many students stay in college.

"This should enhance students' ability to get through college quickly by facilitating their workfare, and will literally speed these students into well-paying jobs and good futures," W. Ann Reynolds, the university's departing Chancellor, said.

Eileen Long, a spokeswoman for Gov. George E. Pataki, said yesterday that the Governor planned to sign the legislation.

But the Giuliani administration continued its attacks on CUNY yesterday, and denied that the legislation would require the city to offer workfare jobs on campuses. City Hall officials maintained that it was still up to them to decide what workfare sites to approve.

"There is nothing in the legislation to give CUNY responsibility for overseeing workfare sites because it has done a poor job of educating its students.

"We would have to look at the terms of any program proposed to us," Mr. Coles said. He added, "If CUNY has troubles with its educational quality, it will have even more trouble administering an effective workfare program."

Mr. Coles said that the city has already accommodated students by trying to find them jobs near their campuses and by giving them work schedules outside of their class hours.

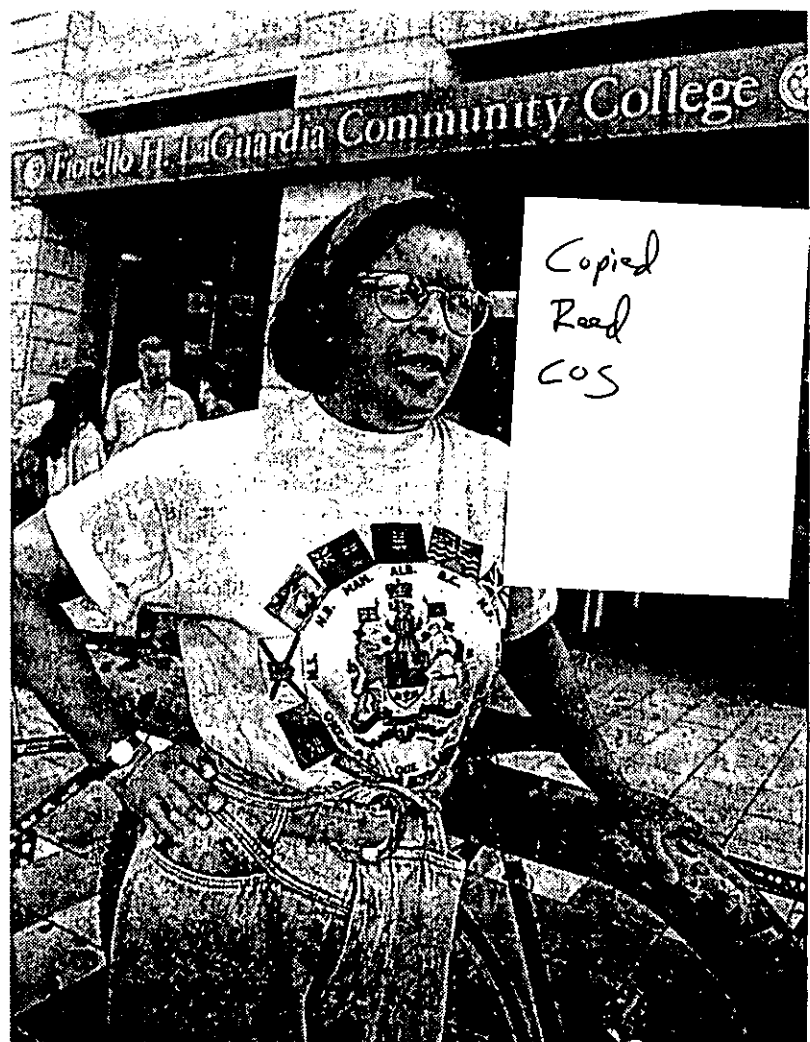
Assemblyman Roberto Ramirez, a Bronx Democrat who sponsored the workfare legislation with John J. Marchi, a Republican from Staten Island, said yesterday that the clear intent of their measure is to allow students to fulfill their workfare assignments on campus, at CUNY and at other colleges in the state.

"If this is exactly what the city is already doing, why did they fight until 4 A.M. Sunday morning against this?" he asked yesterday. "The larger policy issue is why the Mayor of New York would prevent students from getting their degrees and getting jobs."

If the city continues to resist, he said, "My answer is I'll see you in court."

Workfare recipients are typically required to work 20 or more hours per week to qualify for welfare benefits.

CUNY officials say that students asked to juggle both off-campus jobs and college classes have had trouble staying in school. Two years ago, before the workfare program was introduced in New York City, more



Steve Berman for The New York Times

Nelifa Bocas, a single mother on welfare and a student at LaGuardia Community College, said she fulfills workfare requirements on campus.

CUNY officials believe the workfare

State legislation

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By JOH...

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Cynthia | Diana —
Could you please do an entry in the weekly, including a reference to the letter president Clinton sent (which I'll read tonight!) ? Thanks. Elena

tures," W. Ann Reynolds, the university's departing Chancellor, said.

Eileen Long, a spokeswoman for Gov. George E. Pataki, said yesterday that the Governor planned to sign the legislation.

But the Giuliani administration continued its attacks on CUNY yesterday, and denied that the legislation would require the city to offer workfare jobs on campuses. City Hall officials maintained that it was still up to them to decide what workfare sites to approve.

"There is nothing in the legislation to require us to open programs on every campus," said Anthony Coles, a senior adviser to the Mayor, who called the legislation a vindication of the administration's existing program because it requires students on welfare to work.

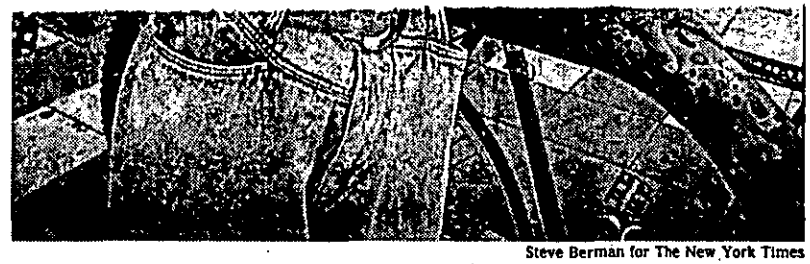
He said that the city has hesitated from getting their degrees and getting jobs."

If the city continues to resist, he said, "My answer is I'll see you in court."

Workfare recipients are typically required to work 20 or more hours per week to qualify for welfare benefits.

CUNY officials say that students asked to juggle both off-campus jobs and college classes have had trouble staying in school. Two years ago, before the workfare program was introduced in New York City, more than 10 percent of CUNY's student body — some 27,000 students — received public assistance. The number of welfare recipients at CUNY has shrunk by a third, to about 18,000.

While there are no figures on how many students have left college because of workfare requirements, CUNY officials believe the workfare program is a key reason for many people dropping out.



Steve Berman for The New York Times

Nelifa Bocas, a single mother on welfare and a student at LaGuardia Community College, said she fulfills workfare requirements on campus.

Many New York colleges — especially community colleges — have some welfare recipients among their students, but CUNY has by far the largest number.

The university expects that about 16,000 of its students will be on public assistance this fall, and that about 5,000 of them will be eligible for a campus workfare program. Students with disabilities and parents of very young children are among those exempt from workfare.

CUNY officials said yesterday that they have begun talking to officials at New York City's Human Resources Administration about implementing the program this fall. And they point to the success of the pilot programs, particularly the one at La Guardia Community College, which the city allowed to expand to 100 students from the original 50.

La Guardia's program currently has about 80 students, including Nelifa Bocas, a single mother on welfare, who was told early this summer that she would have to start working for her benefits. At first, she was afraid the workfare assignment would interfere with her classes and her plan to become a teacher of hearing-impaired students.

But under the pilot program, Ms. Bocas, a 40-year-old Trinidadian immigrant who recently became an American citizen, was allowed to work at the college. She is answering phones, sending out mailings and doing other office work at the college's career and transfer office.

State legislation addresses a fear that welfare rules prompt students to drop out.

She said she hopes to get her associate's degree in September and then transfer to Brooklyn College for a bachelor's degree.

"Once you have the drive, you have to keep it," she said. "People on public assistance and going to school deserve a chance."

Officials at La Guardia said that working on campus has many advantages for students. Not only does it save them time, since they don't have to commute to jobs elsewhere, but jobs are arranged to fit the students' class schedules. Students work in jobs ranging from tutoring and day care to office work.

Some students, however, said that juggling a job and school with their responsibilities as single parents complicates their lives.

Dianna Diaz, a 23-year-old single mother who is studying bilingual education at La Guardia, said that she has had less time to study and see her two children with workfare, even though she is working on campus tutoring students in math and likes her job.

"I'm doing this to get out of public assistance," she said. "Three more years and I'll be off. Why are they bothering us?"

Bill Voted in Albany to Allow Early Retirement by Teachers

By JACQUES STEINBERG

The New York State Legislature has approved a last-minute state budget item permitting thousands of New York City's most experienced teachers to retire early, a measure that runs counter to a legislative initiative announced with fanfare last week — one that would reduce class size by hiring more teachers.

The retirement measure, which is opposed by Mayor Rudolph W. Giuliani and Schools Chancellor Rudy Crew, still needs approval by Gov. George E. Pataki, and both City Hall and the city's Board of Education said they would lobby hard against it. A spokesman for the Governor said Mr. Pataki had not yet decided how he would act.

Included in a flurry of bills passed by the Assembly and the Senate on Monday in the waning hours of this year's legislative session, the provision would allow teachers to retire with a full pension at age 55 after as little as 10 years on the job. Currently, they cannot get full benefits until age 62 or after 30 years of service.

new program. Ms. Weingarten disagreed, saying no more than 100 would retire in the early months of school, with most preferring to wait until the end of the school year.

Filling any of the positions left by retiring teachers would be especially difficult, the officials said, because the school system is already scrambling to find qualified candidates for the 3,600 new teaching jobs created by the class-size initiative. The new positions, part of a $2.3 billion statewide hiring plan for teachers, are intended to reduce class sizes in kindergarten through third grade to 20 from the current 25 to 28 and to help older students prepare for tougher State Board of Regents standards.

Lewis H. Spence, Deputy Chancellor for Operations in the city schools, said he feared that the bill would cast the early weeks of the school year into chaos if it allowed teachers to begin retiring after they had already been assigned their classes.

Team Leaders Mtg 8-16-97

Next week – another meeting – what to spend time / resources on.
standards / school returns
technology → science (?)
pre-school → child care

Discussion of after-school care
Usually in-school, but no req.
Goal? Double # of sch-age kids; or halve # with of latchkey kids

Need to nail down topt & +Layout.
MC talked to Okey staff – they want to keep bipartisan – worried abt Pres involvement. But hard to know.

NAGB EO + Legislation + bring in test publishers??

- LEP – Riley wants kids w/ less than 3 yrs to take other Spanish-lang tests (not developed by us)

Bruce – 2-language test? MC – will work on.

Lay out plan for Pres on back-to-school: Memo
charter schools mid-month?
community college Thing on Sept 26?
Labor-HHS bill signature (or veto)
Mayors – Title I enrichers or Urban initiative } conditions same?
Rest of administration's activities

- Sex offenders – This week probably.
- Indian law enforcement – this week probably.

after-school 300m over 5 || part involve DOJ anti-crime initiative

financing { CDBG ↑
DCTC refundable? / expansion?
Kohl tax credit? HHS notes / we like

separate? < standards - safety / quality
quality incentive fund - milit model
priv accred?

Scholarships for providers (NC TEACH)
More aggressive criminal checks.

Donna - 26. FY 99

Adoption - been having Chafee / Rock to run devices
If doesn't have ag, when we come back, start putting pressure.

Domestic viol - DOJ - fed workplace piece stuck.
put pressure on - unstick it.
Then do priv. cos. at same time.

WR - 1. AFSCME mtg
2. College President letter.
3. N.Mex - HUD subsidies count as income vs cash assistance
Cuomo wants to ask gov to reconsider?
Figure out facts.

Keep Up On

THE WHITE HOUSE

WASHINGTON

THE PRESIDENT HAS SEEN
8-11-97

August 9, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: PHIL CAPLAN
SEAN MALONEY

SUBJECT: Recent Information Items

Chris –
What do you think? Let me or Bruce know if you think we should do – and how.

We are forwarding the following recent information items:

(A) **Navy Secretary Dalton's update on BRAC.** Forwarded by John Podesta. John has been "riding herd on the issue" and says, "We have finally gotten some action out of the Navy." (*E.g,* the Glenview, Illinois Naval Air Station has finally been resolved.) "Dorothy Robyn and Laura Marcus have done an excellent job keeping on top of DoD and the services. We'll stay on top of this."

(B) **Jennings Memo re: Prostate Cancer** -- In response to your request. There has been a "noticeable increase" in deaths associated with prostate cancer, which kills 40,000 men annually. ~~Cases are~~ projected to increase by 90% between 1985 and 2000. The Medicare screening coverage contemplated under your balanced budget has "promising potential to save lives," because of the value of early detection. Generally, the Administration and Congress defer to scientists on these matters. As such, the budget agreement gives HHS time to evaluate the science and the cost-effectiveness under Medicare -- coverage won't be available until 2000. The coverage is part of a package of new Medicare cancer-preventive reforms that will extend coverage to colorectal screening, mammography, pap smears, and pelvic exams. These reforms are achievements worth highlighting.

I copied Emanuel Reed Jennings cos Schedule

Robyn/Reed

Might do an event on another

(C) **Peter Hart survey for the AFL-CIO on fast-track authorization**. Forwarded by Podesta. Report shows "substantial public opposition to congressional approval" (*i.e.*, by 66% to 19% people say free trade agreements have cost U.S. jobs). Americans believe fast-track authority (i) speeds up a process that should proceed more slowly; (ii) prevents Congress from improving trade agreements, and (iii) gives too much power to the President. *We have sent copies to Jay Berman, Vicki and Mack.*

(D) **Berger Response re: Sleeping Sickness in Sudan** -- You read a NYT article on the Sudanese epidemic and asked, "Can we do anything to help?" Sandy responds that a team of CARE specialists (including CDC representatives) is finalizing a survey that may indicate that nearly 20% of a major Sudanese area's population has the deadly disease. The U.S. humanitarian assistance program in Sudan is one of our largest and has provided over $600 million in aid since 1988. This year over $8 million was provided to support

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THE WHITE HOUSE

WASHINGTON

THE PRESIDENT HAS SEEN
8-11-97

August 5, 1997

Copied
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MEMORANDUM TO THE PRESIDENT

FROM: Chris Jennings

SUBJECT: Prostate Cancer Background Information

Erskine and Sylvia asked me to respond to your desire for more information on prostate cancer. There has been a notable increase in the number of deaths associated with this disease. The good news is that early screening and intervention appears to have promising potential to save lives and, recognizing this, the Congress included screening coverage as one of the new Balanced Budget's Medicare preventive benefits that you signed into law today.

Background

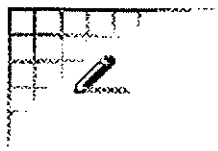
Next to skin cancer, prostate cancer is the most common cancer among men and second only to lung cancer as a cause of death. About 40,000 men died from this disease in 1995 and the incidence of death is increasing, particularly among African American men. The number of reported cases is projected to increased by a startling 90 percent from 1985 to 2000. Moreover, although 80 percent of all patients with prostate cancer are covered by Medicare, the program has never covered prostate cancer screening tests.

Recent studies indicate that early detection of prostate cancer can be critically important. Ten-year survival rates are 75 percent when the cancer is confined to the prostate. However, due to insufficient clinical data, the tests needed to make such early detection have yet to be endorsed by the U.S. Preventive Services Task Force and the Partnership for Prevention.

Generally, the Administration and the Congress defer to the scientists on these matters. As such, the budget compromise delays the effective date of prostate screening until 2000 to give the Secretary (and her science advisors) time to evaluate the feasibility, advisability and cost-effectiveness of Medicare coverage of this service. It also gives the Secretary the authority to add new tests as the technology improves. Having said this, the fact that the new law explicitly takes steps toward early detection of this deadly disease is well worth noting and celebrating.

It is also worth noting that this benefit is part of a package of Medicare cancer-preventive services in the Balanced Budget Act, which also extends coverage for colorectal screening, mammography, screening pap smears and pelvic exams. These new benefits illustrates your ongoing and well-documented commitment to prevention and your sensitivity to significant cancer prevention interventions for all populations of Americans. We believe that it would be helpful to highlight these and other Medicare reform achievements in upcoming events and announcements.

DPC - Keep Up On



Record Type: Record

To:

cc:
Subject: disabilities eo

where are we on this? I did nothing while you were on vacation because the ADA deadline disappeared. But we should push this along. (wasn't there some other date that made sense?) Let me know what you need me to do, if anything. Thanks.

DPC - Keep up on

Katherine Hubbard
07/31/97 03:56:59 PM

Record Type: Record

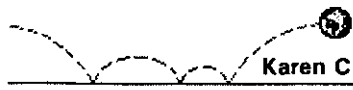
To: Jose Cerda III/OPD/EOP, Elena Kagan/OPD/EOP

cc: Thurgood Marshall Jr/WHO/EOP, David S. Beaubaire/WHO/EOP
Subject: Race policy meeting with agency folks

Have you scheduled a race policy meeting with agency folks? Please advise. Thanks.

Bruce -
polling report

Keep up on



Karen C. Fahle 07/25/97 11:56:06 AM

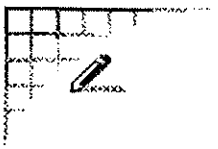
Record Type: Record

To: Elena Kagan/OPD/EOP

cc:
Subject: Erskine letter

Hi Elena. I sent you a letter from Rep. Lucille Roybal-Allard last Tuesday as Erskine wanted a response prepared for him. The subject of the letter deals with the Family Violence Option. Is a letter in the works? Thanks.

DPC - Keep up on



Record Type: Record

To:

cc:
Subject: radioactive iodine study

How does this new study relate (if at all) to our previous radiation initiative? What should we be doing on it, if anything?

DPC - Keep up on

Record Type: Record

To:

cc:
Subject: contraceptive bill

I have once again been asked about this. (I take it Sylvia and Ellen Lovell are both pushing it.) What's your final recommendation? Or should we all talk?

To B Reed / Scheduling
Invitation to Dan
BK

Copied
Read
Scheduling
COS

THE PRESIDENT HAS SEEN
7-30-97

Mike —
Should we do?
Elena

THE PRESIDENT HAS SEEN
7-30-97

Mr. President: I will call Erskine about this but if you would like an invite at the White House to I would be my 10 year as Chairman of the National Board. Thank you. JK

National Board for Professional Teaching Standards

Memorandum

To: Governor Hunt

From: Jim Kelly

Date: July 24, 1997

Re: For Your Use at the NGA Meeting this coming Weekend

I asked Mary Dean, Sally and Chris Lytle to provide me with information you may wish to use in one-on-one conversations with the President, Governors, and others at the NGA meeting starting this coming weekend. That information is as follows:

President Clinton

- Thank the President for his strong support and leadership on our budget request.

- Tell him our tenth anniversary is this year and we are having a big celebration in Washington in October (October 23-25) and want him to celebrate with us.

    - The optimum event would be a reception at the White House. All of the nation's Board Certified teachers (600) will be invited, and we expect a lot of them will come. Our board members will be there, as well as friends of the National Board. And, our important private donors will be there. We expect a total of 450 or so people.

    - A small reception for our special donors followed by a large reception for the whole group would do a lot to energize and

Chris

THE WHITE HOUSE

WASHINGTON

July 21, 1997

MEMORANDUM FOR BRUCE REED

FROM: **SUSAN BROPHY**
LEGISLATIVE AFFAIRS

SUBJECT: **CONGRESSIONAL CORRESPONDENCE**

Enclosed please find a copy of a letter that was sent to the President by Sen. Pete V. Domemici (R-NM).

The President has requested that he see and sign every letter going to Capitol Hill. We did not want to fully answer the issues addressed in the Members' letter without advice from your office; therefore, I am requesting that your office draft a response and return it to Chris Walker.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Chris at 456-7500.

Enclosure

PETE V. DOMENICI
NEW MEXICO

United States Senate
WASHINGTON, D. C.

July 15, 1997

The Honorable William J. Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

JUL 16 PM4:18

Dear President Clinton:

The questions of genetic privacy and genetic discrimination have become increasingly urgent as more and more Americans are experiencing the burden of learning and disclosing information about their own genes. I am immensely pleased that you and your Administration support the establishment of federal legislative protections for individuals and families with respect to their health insurance programs.

At this time I respectfully suggest that legislation that addresses only the issue of genetic discrimination in health insurance is important but still insufficient to cover major issues in genetic privacy. I am equally concerned about the question of informed consent as it relates to the relationship between the genetics research community and the individuals who participate as subjects in genetics research projects. Now that we have the technology to reveal an individual's most personal and unalterable identifying information, we must acknowledge an obligation to reinforce the individual's right to consent to the generation and disclosure of this information. To this end, I introduced the "Genetic Confidentiality and Nondiscrimination Act of 1997" (S.422) on March 11.

The legislation that I have proposed not only includes language that precludes genetic discrimination in health insurance, but also includes a number of provisions that confer on the individual the right to consent to the generation of genetic information in the research setting and the right to receive - or to refuse to receive - genetic information that results from genetics research. I believe that this second issue is of critical importance to meaningful federal legislation.

I am sincerely grateful for being included among the guests at yesterday's press conference, and I regret that my duties in the Senate prevented my attending. However, I do commend your support of genetic confidentiality, and I am agreeable to work with members of your Administration to craft legislation that is fair and just for the American people.

Sincerely yours,

Pete V. Domenici
United States Senate

PS good to see you at the meeting.
Ben A.M. PVD

Dawn Chirwa —
Counsel's Office

THE WHITE HOUSE

WASHINGTON

July 17, 1997

MEMORANDUM FOR BRUCE REED

FROM: **SUSAN BROPHY**
LEGISLATIVE AFFAIRS

SUBJECT: **PRESIDENTIAL CORRESPONDENCE**

Enclosed please find a copy of the letter that was sent to the President from Rep. Tom Campbell (R-CA).

I do not believe this letter requires a Presidential response at this time. Please review the attached material and respond directly to the Member(s) of Congress, forwarding copies to the Office of Legislative Affairs, attention Chris Walker.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Chris at 456-7500.

Enclosure

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

TOM CAMPBELL
15TH DISTRICT CALIFORNIA

July 8, 1997

Dear Mr. President:

JUL 14 AM 10:49

There is a middle way on affirmative action.

We can strongly increase our pressure against intentional discrimination by adding a criminal sanction. And when a court strikes down the use of race in a government preference program, we can immediately replace it with a particularized system that takes into account the specific qualifications individuals bring to any job or college application.

My approach, in the enclosed bills, is by design ***neutral*** on whether government should contrive to take race into account. I hope, thereby, to obtain the support both of those who support and those who oppose the present system.

The courts will continue to act; my hope is that we will be ready with a substitute when they do.

I offer these suggestions in the spirit of your invitation at UC San Diego for a national conversation on this most important issue. Thank you for your attention to my proposals.

Respectfully,

The Honorable Bill Clinton
President of the United States
The White House
Washington, D.C.

I

105TH CONGRESS
1ST SESSION

H. R. 2078

To amend title VII of the Civil Rights Act of 1964 to clarify the intent of Congress to hold individuals responsible for discriminatory acts committed by them in employment.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1997

Mr. CAMPBELL (for himself, Mr. CANADY of Florida, and Mr. BOUCHER) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

A BILL

To amend title VII of the Civil Rights Act of 1964 to clarify the intent of Congress to hold individuals responsible for discriminatory acts committed by them in employment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Individual Liability for Discrimination Act of 1997".

SEC. 2. PURPOSE.

Congress has always intended that individuals who discriminate in employment within the meaning of title

VII of the Civil Rights Act of 1964 may be held individually liable for their actions, whether or not any other entity or individual is also liable. Courts have in general faithfully carried out this mandate. Recently, in sexual harassment cases in particular, some courts have failed to hold individuals liable for their discriminatory conduct that is otherwise clearly covered by title VII, on grounds that individuals cannot be held liable under it. This Act will prevent this misreading.

SEC. 3. INDIVIDUAL LIABILITY UNDER TITLE VII.

Section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5) is amended by adding at the end the following:

"(l) Individuals are individually liable for acts of discrimination committed by them in employment, when the acts are otherwise covered by this title, whether or not any other party is also liable for their acts.".

SEC. 4. NO REDUCTION IN EMPLOYER LIABILITY.

Section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5), as amended by section 3, is amended by adding at the end the following:

"(m) Nothing in subsection (l) shall be interpreted to reduce the responsibility of employers for discrimination in employment under this title, except that in awarding monetary relief against any party, a trier of fact may take

into account the relief ordered against and actually collected from other parties.".

SEC. 5. DEFINITION OF RESPONDENT CLARIFIED.

Section 701(n) of the Civil Rights of 1964 (42 U.S.C. 2000e) is amended to read as follows:

"(n) The term 'respondent' means an employer, employee or agent of the employer (including individual employer, employee, or agent of the employer, employment agency, labor organization, joint labor-management committee controlling apprenticeship or other training or retraining program, including an on-the-job training program, or Federal entity subject to section 717.".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

○

I

105TH CONGRESS
1ST SESSION

H. R. 2079

To require implementation of an alternative program for providing a benefit or employment preference under Federal law.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1997

Mr. CAMPBELL (for himself and Mr. EHLERS) introduced the following bill; which was referred to the Committee on the Judiciary

---

A BILL

To require implementation of an alternative program for providing a benefit or employment preference under Federal law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Racial and Gender Preference Reform Act".

SEC. 2. ALTERNATIVE PROGRAM REQUIRED.

Whenever the use of race, gender, or national origin as a basis for granting a benefit or a preference under a Federal program is invalidated by a court of competent

jurisdiction, the program described in section 3 shall be substituted for the invalidated program.

SEC. 3. OPERATION OF ALTERNATIVE PROGRAM.

The program referred to in section 2 is one in which the official responsible for the invalidated program described in such section shall determine in each case which individuals qualify to be in the category of "individuals of special achievement", taking into account experience and achievements of each individual separately, and not as a member of any group, in order to determine which individuals have overcome particularly high obstacles to achieve the qualifications relevant for the position or benefit being sought. The responsible official shall take into account in making such a determination the individual's personal situation, including conditions of low opportunity by reason of—

(1) low parental income,

(2) low levels of education of parents,

(3) depressed economic surroundings of upbringing,

(4) low percentage of students graduating from the individual's high school (or failure to attend high school),

(5) special work obligations imposed on an individual by reason of need to care for family members,

(6) need to master a second language, and

(7) individual instances of bias or discrimination actually practiced against the individual on the basis of race, age, gender, national origin, or religion.

○

105TH CONGRESS
1ST SESSION

H. R. 2080

To amend title VII of the Civil Rights Act of 1964 to establish criminal liability for unlawful discrimination based on disparate treatment.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 1997

Mr. CAMPBELL (for himself and Mr. CANADY of Florida) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

A BILL

To amend title VII of the Civil Rights Act of 1964 to establish criminal liability for unlawful discrimination based on disparate treatment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Discrimination Act of 1997".

SEC. 2. AMENDMENT.

Title VII of the Civil Rights Act of 1964 is amended by inserting after section 706 the following:

"CRIMINAL LIABILITY

"SEC. 706A. A defendant who purposefully engages in an employment practice defined as unlawful in section 703 or 704 of this Act by intentionally treating a covered person worse than another because of that covered person's race, gender, religion, or national origin shall, upon a first conviction, be guilty of a misdemeanor and punishable by a fine not to exceed $10,000 if an individual or $100,000 if a corporation. A subsequent conviction of a defendant under this section regarding conduct within five years of the first conviction shall be a felony punishable by a fine not to exceed $20,000 if an individual or $200,000 if a corporation, imprisonment not to exceed six months, or both, if that subsequent conviction is determined by the court to involve conduct substantially similar to the conduct of the first offense.".

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendment made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENT.—The amendment made by this Act shall apply only with respect to conduct occurring after the date of the enactment of this Act.

SEC. 4. SENTENCING COMMISSION.

The United States Sentencing Commission may propose to Congress amendments to the United States Sentencing Guidelines altering the sentences imposed under section 706A of the Civil Rights Act of 1964, as provided in section 994(p) of title 28, United States Code.

O

Joe

THE WHITE HOUSE

WASHINGTON

July 21, 1997

MEMORANDUM FOR BRUCE REED

FROM: **SUSAN BROPHY**
LEGISLATIVE AFFAIRS

SUBJECT: **CONGRESSIONAL CORRESPONDENCE**

Enclosed please find a copy of a letter that was sent to the President by Rep. Charlie Norwood (R-GA).

The President has requested that he see and sign every letter going to Capitol Hill. We did not want to fully answer the issues addressed in the Members' letter without advice from your office; therefore, I am requesting that your office draft a response and return it to Chris Walker.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Chris at 456-7500.

Enclosure

COMMERCE COMMITTEE
SUBCOMMITTEES
Energy and Power
Health and Environment

EDUCATION AND THE WORKFORCE
SUBCOMMITTEE
Oversight and Investigations

Army Caucus
Rural Health Care Caucus
Sportsman's Caucus

Charlie Norwood
10th District, Georgia

Congress of the United States
House of Representatives
1707 Longworth Building
Washington, DC 20515
(202) 225-4101

DISTRICT OFFICES
1056 Claussen Road, Suite 226
Augusta, GA 30907
(706) 733-7066

101 N. Jefferson Street, Room 109
Dublin, GA 31021
(912) 275-2814

1776 N. Jefferson Street, Suite B
Milledgeville, GA 31061
(912) 453-0373

July 11, 1997

JUL 15 PM3:57

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC

Dear Mr. President:

We have reached an important juncture in race relations in this country. With every passing day, we grow into two nations divided by race. In your recent San Diego speech, you challenged America to engage in a dialogue on race. As representatives of the people, we have a responsibility to take up your challenge and find ways to change the relationships we have.

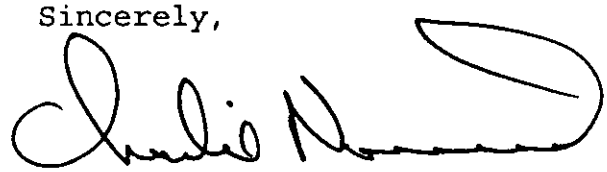
It is very important to race relations in America that we have conversations with each other. Race is the most obvious and least important characteristic people have. The color of one's skin is clear for all to see, but the content of their character can only be discovered through dialogue. Someone may be white, but can you tell from someone's skin whether they play the piano, read poetry, or enjoy horror movies? Someone may be black, but does the color of their skin tell you whether they are the best *Jeopardy* player you will ever meet, listen to Gregorian chants, or have a lifelong dream to go skydiving? These are things you can only learn by talking to one another. Dialogue is the way to move beyond the barriers we have spent a lifetime building.

I would like to recommend to you the work of the Society of the Heritage Crest. They have worked extensively in trying to bridge the gap between the races. The *First African American Crest* was created in an effort to promote cultural sharing. They have proposed presenting you and Members of Congress with the Society of the Heritage Crest's Visionaries of Unity Award as a symbol of forgiveness. They want to spread the word, that we need not be slaves—slaves to the mental misconceptions we create in our minds; that keep us apart in our neighborhoods, schools,

jobs, churches, and lives. By promoting forgiveness, they are working to free us from the bonds that hold us down and prevent us from engaging one another. I heartily encourage you to include the Society of the Heritage Crest in your plans to establish a task force on race in America.

I represent one of the most racially diverse districts in America. Every day I spend in the communities of the 10th District presents me with an opportunity to change the way people feel about each other. It is a very trying effort some days, but it is incredibly important to the future of this nation. I applaud you for making a stand, and I am looking forward to working with you in the future.

Sincerely,



Charlie Norwood
Member of Congress

NEC or OMB

THE WHITE HOUSE

WASHINGTON

July 22, 1997

MEMORANDUM FOR BRUCE REED

FROM: **SUSAN BROPHY**
LEGISLATIVE AFFAIRS

SUBJECT: **PRESIDENTIAL CORRESPONDENCE**

Enclosed please find a copy of the letter that was sent to the President from Reps. Constance A. Morella (R-MD), Bart Gordon (D-TN), Stephen Horn (R-CA) and Carolyn B. Maloney (D-NY).

I do not believe this letter requires a Presidential response at this time. Please review the attached material and respond directly to the Member(s) of Congress, forwarding copies to the Office of Legislative Affairs, attention Chris Walker.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Chris at 456-7500.

Enclosure

Congress of the United States
House of Representatives
Washington, DC 20515

July 16, 1997

The Honorable William Jefferson Clinton
The President
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

JUL 17 PM4:02

Dear Mr. President:

We are writing to request your assistance in addressing the Year 2000 computer problem. If left unaddressed, the Year 2000 problem could become the single biggest challenge facing the global information technology industry since the advent of the computer.

During the 104th and 105th Congresses, we have worked to inform Federal agencies and the private sector of the looming crisis from the Year 2000 computer problem. Through legislation, an on-going series of Congressional hearings, and letters to agencies, we have worked to raise the Nation's awareness and promoted public and private sector initiatives to encourage our Nation's businesses and Federal, State, and local governments to take immediate corrective measures.

Congress alone, however, cannot solve the Year 2000 problem. To date, many Federal agencies have not, in our estimation, taken all the necessary steps to avert the pending crisis.

Specifically, we are concerned:

- That the government-wide estimate of $2.8 billion (increased from the January 1997 estimate of $2.3 billion) to correct the Year 2000 problem is understated, will continue to rise, and that a date for a final cost-estimate has yet to be set;

- That the Federal Government agency timetables and milestones submitted in the report are optimistic and, in most cases, provides little or no margin for delay in an agency's implementation plan;

- That agencies have underestimated the time for the validation of converted systems;

- That there may not be enough accountability in the current system to monitor and successfully implement Federal Government Year 2000 efforts; and

- That additional attention government-wide should be given to other date sensitive systems, such as those which have an embedded computer chip.

We need your help.

We are asking you to use the power of your Office and suggest the following actions:

1. Spur the government and the private sector in the United States and abroad to address the Year 2000 problem using the Presidential "bully pulpit";

2. Issue an Executive Order or directive to Federal agencies to give highest priority to correcting the problem; and

3. Designate within the Executive Office of the President, a senior Administration official with the oversight for directing Federal efforts and encouraging private sector initiatives to fix the problem.

Thank you for your attention to this important issue. We look forward to working with you to ensure that January 1, 2000 will not be remembered as the day the Federal Government's computers shut down.

Respectfully yours,

Constance A. Morella
Chairwoman
Subcommittee on Technology
Committee on Science

Stephen Horn
Chairman
Subcommittee on Government Management,
Information and Technology
Committee on Government Reform
and Oversight

Bart Gordon
Ranking Member
Subcommittee on Technology
Committee on Science

Carolyn B. Maloney
Ranking Member
Subcommittee on Government Management,
Information and Technology
Committee on Government Reform
and Oversight

THE WHITE HOUSE

WASHINGTON

July 21, 1997

MEMORANDUM FOR BRUCE REED

FROM: **SUSAN BROPHY**
LEGISLATIVE AFFAIRS

SUBJECT: **CONGRESSIONAL CORRESPONDENCE**

Enclosed please find a copy of a letter that was sent to the President by Sen. Judd Gregg (R-NH).

The President has requested that he see and sign every letter going to Capitol Hill. We did not want to fully answer the issues addressed in the Members' letter without advice from your office; therefore, I am requesting that your office draft a response and return it to Chris Walker.

Thank you very much for your assistance in this matter. If you have any questions, please feel free to call Chris at 456-7500.

Enclosure

JUDD GREGG
NEW HAMPSHIRE

CHIEF DEPUTY WHIP

COMMITTEES:
BUDGET
APPROPRIATIONS
LABOR AND HUMAN RESOURCES

United States Senate

WASHINGTON, DC 20510-2904
(202) 224-3324

July 9, 1997

JUL 15 PM3:57

OFFICES:

125 N. MAIN STREET
CONCORD, NH 03301
(603) 225-7115

28 WEBSTER STREET
MANCHESTER, NH 03104
(603) 622-7979

3 GLEN AVENUE
BERLIN, NH 03570
(603) 752-2604

99 PEASE BOULEVARD
PORTSMOUTH, NH 03801
(603) 431-2171

The President
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

Please accept my congratulations on your announcement to convene an Internet Summit to look at the problems of pornography on the Internet and how to protect children from access to inappropriate material. I commend your foresight in realizing that the availability of adult and child pornography on the Internet is detrimental to our nation's children.

Early press reports on the scope of this conference, however, suggest that its focus may be too narrow. In my opinion, it is vital that the Summit not only address the availability of pornography on the Internet, but also examine the issue of protecting children from child pornographers and sexual predators, who use the Internet to trade illegal child pornography and to develop abusive or exploitative relationships with children. We already have seen cases of the Internet being used as a means to aid pedophiles' abduction of children, and such predators are becoming ever more pervasive as the WorldWideWeb grows. It is estimated that by the year 2002, there will be 20 million children who have access to the Internet. To those pedophiles who use the 'Net, this means that there will be 20 million possible victims at their disposal. These facts are very disturbing and we must be committed to making some changes that will help make it more difficult for pedophiles to find and exploit victims and to trade pornographic pictures of children.

As you may know, recently, I held a hearing in the Senate Appropriations' Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, of which I am the Chairman, regarding the facts surrounding this issue. During this hearing, Federal Bureau of Investigation Director Louis Freeh testified about the Bureau's efforts to track and apprehend the worst Internet child pornographers. Director Freeh's testimony outlined the difficulties confronting the Bureau in trying to find and catch these offenders because of the relative anonymity of the WorldWideWeb.

As a result of the hearing, it became clear that, perhaps, the most important way this problem could be addressed is to educate parents, teachers, and children on the dangers to kids who log onto the Internet. Enclosed is a copy of a pamphlet, which I created entitled, "Child Pornography on the Internet: What Every Parent, Teacher, and Child Should Know." At this time, nearly 4,000 of these pamphlets have been distributed. Although a strong prevention effort

on the part of the computer industry and law enforcement is necessary, I believe that a good place to begin prevention efforts is in education. It is my hope that these and other similar pamphlets will begin to open up discussions about how to avoid predators of any kind on the WorldWideWeb.

It is imperative that today's efforts to investigate and prevent child exploitation via the Internet are continually strengthened. I hope that, when you continue to discuss the scope of the Summit on Internet pornography, you will include these issues in your discussions. The Summit would provide an excellent opportunity to educate parents on the real dangers their children may confront. I also would welcome the opportunity to participate in the Summit and to discuss these issues further with you. I am fully committed to helping develop strategies within the computer industry to filter out access to pornographic material, as well as getting educational material to parents, teachers, and children about Internet predators.

Again, I commend you on calling for the Internet Summit, which holds great promise of success in combating pornography on the Internet. Also, I hope that it will become an important vehicle for the ongoing fight against those who use the Internet as a means to exploit children.

Sincerely,

Judd Gregg
U.S. Senator

Enclosure

DPC - Keep up on

CSPI CENTER FOR SCIENCE IN THE PUBLIC INTEREST

Publisher of ***Nutrition Action Healthletter***

Bruce, Elizabeth - (+ return)
Are we seriously considering doing this? Why?
Eliz - could you find out where this is?
Thanks
Elena

Date: 7/11

Please deliver the following pages to:

Name: Elena Kagen

Company: Domestic Policy Council, White House

Fax number: 456-2878

Phone number: 456-5584

Total # of pages *including* this cover sheet: 2

Sender: Tara Siegman, Project Assistant, Alcohol Policies, ext.341 (tsiegman@cspinet.org)

(Should you not receive all pages as indicated, call the sender.)

Subject: wine labeling

Comments:

We discussed this earlier this week. Hope you can help support a public health approach to this issue.

George Hacker/s

1875 Connecticut Avenue, N.W. / Suite 300 / Washington, DC 20009-5728 / (202) 332-9110 / FAX (202) 265-4954

The Washington Post

BUSINESS

FRIDAY, JULY 11, 1997 G1

THE REGULATORS
Grapevine Ruling

To Your Health: Vintners Poised for a More Positive Labeling

By Cindy Skrzycki
Washington Post Staff Writer

After years of lobbying the Treasury Department's Bureau of Alcohol, Tobacco and Firearms for more favorable labeling treatment, the wine industry hopes to raise a glass soon to celebrate approval of a label that could suggest to imbibers that moderate drinking can be good for their health.

What the wine industry is seeking is the government's go-ahead to attach to its bottles a new label that would stress the health effects of drinking to offset the surgeon general's warning that drinking alcoholic beverages may cause health problems, especially if you're pregnant.

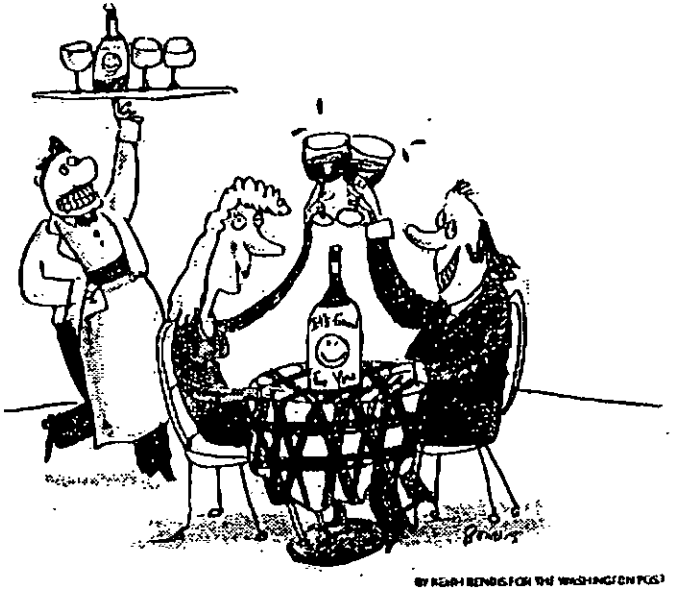
If the ATF grants permission, which might be in the next few weeks, vintners could state on their bottles, "To learn the health effects of moderate wine consumption, send for the federal government's Dietary Guidelines for Americans. . . ." An address and Web site directions would follow.

Harriett Bobo, a top ATF official, said no decision has been made to approve several requests for the new labels, but if the ATF goes along with the idea it will also consider a rule to decide future labeling issues.

The ATF last year had some 65,000 requests for label changes on alcoholic beverages, some of them involving health issues.

For the wine industry, the government's issuance of the Dietary Guidelines, which are broad recommendations on diet and nutrition, provided the

See THE REGULATORS, G2, Col. 3



BY ROBIN BENDIS FOR THE WASHINGTON POST

Wine Industry Awaits

THE REGULATORS, From G1

opening to try to change years of ATF policy that has prohibited promotion of wine as a medicinal or a curative.

The bureau even frowned on wineries passing along positive press about their products, such as telling customers about the "French paradox"—the relatively low rates of heart disease among the red wine-drinking French despite their consumption of fatty foods.

The ATF's last word on what it might consider a valid health claim was a 1993 industry circular: ". . . Health claims are considered to be misleading unless they are properly qualified, present all sides of the issue, and outline the categories of individuals for whom any positive effects would be outweighed by numerous negative health effects. ATF considers it extremely unlikely that such a balanced claim would fit on a normal alcoholic beverage label."

The Wine Institute, representing some 400 California vintners, dealt with that problem by proposing to Treasury the label that would direct consumers to the Dietary Guidelines. The industry argues that the label will offset the surgeon general's message, which, it said, "reflects neither the balance nor the latest scientific evidence contained in the revised Dietary Guidelines."

Over the past few years, the Wine Institute has been lobbying intensively to spread the word that a glass of wine can be good for you, basing its claims on studies on alcohol consumption and breast cancer, osteoporosis, heart disease and countless other ailments.

The industry was successful in persuading Congres some $2.7 million to studies of drinking i moderation. It also s studies to the Depar Health and Human S the guidelines were It worked tirelessly perceptions about w considering it a "gat a "legitimate compo nation's lifestyle."

John DeLuca, pre Wine Institute, said guidelines give full the risks and benefi moderate consump guidelines talk abo abuse as well as he said DeLuca. "They cautionary."

All of this and the that the ATF may a label has outraged groups and, notabl HHS, coauthor of t

Opponents feel t such as "health" an "moderation" will e people to drink. Th doubt that many pe check the guidelin the first time, said consumption of wi 5-ounce glass a day and two for men— healthful, if taken That said, there we passages on why a be avoided and wh at risk from drinki

"One sentence i in the guidelines t potential benefits f individuals. It [the shouldn't allow the to become the sur said George Hacke the Alcohol Policie the Center for Scie Public Interest.

Hacker said the opposed to drinki

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science done on the subject. But he insists that information given to consumers must be better defined and clearly indicate who will benefit. He suggested the complete text of the guidelines be attached to every bottle.

The most scathing criticism of the proposal came from **John Eisenberg**, acting assistant secretary for health at HHS, who wrote to the bureau saying, "I am concerned that such directional labeling on wine or any alcoholic beverage may mislead consumers and diminish the effectiveness of the federally mandated health warning." He suggested that before any changes are made they should be "thoroughly field tested to assure that they are not misleading."

ATF, in its response to Eisenberg, said "... These statements are 'directional,' in that they merely direct the consumer to a qualified source of information regarding the health effects of alcohol consumption." It added that the statements are neutral.

To that, Eisenberg shot off another letter Wednesday, telling the ATF that while it has the authority to proceed, approval would be inconsistent with the public's health.

"The proposal under consideration is a thinly disguised attempt to make an affirmative health claim," he said, urging the ATF not to approve the label.

As for relying on the guidelines, he advises that they are an "inadequate source of information" for consumers who are more likely to interpret the "plain meaning" of the words on the bottle.

THE PRESIDENT HAS SEEN
7-15-97

Mir Crew Heard Thumps, Saw Leak From Module

Officials Worry About Planned Spacewalk

Reuter

CAPE CANAVERAL, Fla., July 5—Russian cosmonauts have reported hearing thumps and seeing something resembling little white flakes leaking from a damaged module on the space station Mir, increasing worries among space officials about the risky spacewalk planned to restore power to the orbiting laboratory.

"We are very concerned about what was in that module, what might have ruptured, and what the impact might be on the suited crew members," veteran astronaut Frank Culbertson, who runs NASA's missions to Mir, said at a news conference today.

The space station crew reported hearing thumps Tuesday from inside the Spektr science module that lost pressure and had to be sealed off after a cargo craft plowed into the station on June 25.

In Moscow, a senior official at Mission Control confirmed there had been a leak from the science module, called Spektr, five days ago and said experts were not were what it was although they were convinced it was not fuel.

The specialist said experts were trying to analyze information from the three-man crew. "We do not have any information on the situation inside the Spektr module," he said. "Measurements show there have been no other leaks in the other modules and sections of the station."

Mir commander Vasily Tsibliev and flight engineer Alexander Lazutkin plan to enter the crippled module in their space suits as early as July 17 or 18 to reconnect electrical cables and restore some of the power lost after the crash. NASA's Mir resident, Michael Foale, is to sit out the repair inside the station's emergency escape ship.

There are concerns that the cosmonauts could get toxic materials on their spacesuits during the repair. NASA and the Russian space authorities were trying to determine what dangerous materials might be present inside Spektr, which has been exposed to a vacuum since the crash.

"We've got a few days to continue working on that," Culbertson said. "We want to make sure we get a really good answer."

The white flakes seen escaping from Mir on Tuesday may have been caused by something bursting inside the module and leaking through the station's ruptured hull or could have come from a damaged radiator on the exterior of the module, he said.

NEA Backs Allowing Teachers To Evaluate Fellow Instructors

Associated Press

ATLANTA, July 5—Teachers should be allowed to rate the performance of fellow instructors and aid in dismissals, the nation's largest teachers union agreed today, marking a shift in the union's mission.

The voice vote by the National Education Association's representative assembly was seen as a test of the its effort to change its image. The NEA has been lambasted by politicians and other critics as an industrial trade union concerned chiefly with wages and defending its members jobs at the expense of education.

A majority of the 9,000 delegates agreed that the move was necessary.

"If we don't control this profession ... we are going to regret it," said Gary Blumenstein, of Virginia Beach, noting the public attention to teacher performance.

This was a major victory for the leadership of Bob Chase, the NEA head who was been promoting a "new unionism" since he took office last year. The union would stress more cooperation with school boards and administrators in exchange for a broader role in decision making.

That also means a role in policing the quality of teachers.

The measure was divisive.

Larry C. Carlin, of Live Oak, Calif., said the 900 California delegates were 54 percent opposed and 46 percent in favor during a test vote within the caucus. The state union represents 269,000 teachers.

"It pits teacher against teacher," said Carlin. "The last thing you need in the schools today are teachers opposing teachers."

Carlin said he favored additional study. "I think its time is come," he said. Others were vehemently opposed, saying peer review would erode member trust in the union's role as worker advocate in a hostile world.

School systems would be allowed to set up peer assistance and review programs, run by union teachers and the school district.

Seattle and a number of Ohio cities have already established them, despite the national union's official opposition.

Under peer review and assistance, all beginning teachers and those veteran teachers who are identified as doing substandard work would be assigned a mentor to coach them.

If the teachers still didn't measure up, they would be encouraged to leave the profession. If that didn't work, the peer review panel would recommend dismissal.

Supporters say very few teachers under existing programs wind up being dismissed.

In advocating the change, Chase stressed that teachers would still have the right to challenge dismissals under state teacher tenure laws.

The Washington Post
SUNDAY, JULY 6, 1997

Mike —
Could you please draft a letter for the President?
Elena

Bill and Al Would do a congrats letter to Chute — good
Mike —
BK

7/16/97

THE WHITE HOUSE

Elena —

Could you please prepare a response for Erskine and send back to me so I may get his approval/sig. on it.

Thanks in advance for your efforts.

Karen Fahle
OEOB 93
65506

Cynthia —

Looks to me as if we need a reply on this. Let's talk.

Elena

cc - Bruce

Committee on the Budget

Committee on Banking
and Financial Services

Subcommittee on Financial
Institutions and Consumer Credit

Subcommittee on Capital Markets and
Government Sponsored Enterprises

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CHAIR, CALIFORNIA DEMOCRATIC
CONGRESSIONAL DELEGATION

July 11, 1997

Erskine Bowles
Chief of Staff
The White House
1600 Pennsylvania Ave., NW
Washington, D.C., 20500

JUL 14 1997

Dear Mr. Bowles

I am writing to ask that you urge the budget conferees to retain the Family Violence Option (FVO) clarification provision in the final version of the Budget Reconciliation bill. This provision, included in the Senate version of the Budget Reconciliation bill, is critical to states which are finalizing their welfare plans because it clarifies the Congressional intent of the FVO.

As you know, the Family Violence Option is not a mandate on the states. To the contrary, the FVO gives states the discretion to issue temporary waivers from various requirements to victims of domestic violence. Further, the FVO will not cost the federal government any additional funds since states now receive their welfare funding in the form of block grants. With a fixed amount of federal funding, states have no incentive to issue extraneous waivers.

Currently, several states have opted to include some form of the FVO in their state welfare reform plans, contingent upon clarification from Congress. Other states are hesitant to include the FVO for fear that it will be counted as part of the 20% permanent or long-term hardship exemption intended primarily for the elderly and disabled. This would negatively impact the states' ability to meet the targeted work requirements for full federal funding.

The language included in the Senate Budget Reconciliation bill corrects this problem. It clarifies that the congressional intent of the FVO is to allow states to grant temporary waivers to victims of domestic violence without including these waivers as part of the states' 20% permanent hardship exemption.

It is important to include the FVO clarification provision so that states do not deny victims of domestic violence the temporary reprieve they need to escape their violent environment and move towards self-sufficiency. If states delay in implementing the family violence option for fear of not complying with HHS rules, it will not only cost states money, but could cost battered women and children their lives.

Sincerely,

Lucille Roybal-Allard
Member of Congress

Enclosure

CHIEF OF STAFF TO THE PRESIDENT