

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 025 - FOLDER -008

[03/18/1998]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1998 17:26:33.00

SUBJECT: Today's Jeffords hearing

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

READ:UNKNOWN

TO: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Toby Donenfeld (CN=Toby Donenfeld/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Cynthia Dailard (CN=Cynthia Dailard/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Today's Jeffords hearing quickly disintegrated into ad hominum attacks. The fight started among Republicans, with Senators Gregg and Coats lashing into Jeffords for not allowing them to offer Sense of the Senate amendments, saying that he was being "dictatorial." Then Kennedy jumped in and started calling the GOP members shills for the tobacco industry.

Jeffords recognized Kennedy for an amendment -- which ticked off Gregg and Coats even more, and to get back at Jeffords, Coats and Gregg voted for the Kennedy amendment. The amendment strengthened the youth smoking targets (so the industry must reach an 80 percent reduction over 10 years instead of 60 percent) and increased penalties on companies that repeatedly miss the targets.

Having acted on one amendment in 2 1/2 hours, Jeffords gaveled the hearing down and said he would try to reconvene it on Friday. People seem to think this will be delayed, and the committee won't reconvene until next week.

March 18, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED

SUBJECT: SECRETARY HERMAN'S REPORT ON WELFARE-TO-WORK

The attached memo from Secretary Herman provides a good report on her recent welfare-to-work tour and reflects her strong personal commitment to this issue. In her visits to 10 cities she talked with a wide range of people, including former recipients. She found plenty of evidence that we're on the right track-- people want to work and are proud to be working. At the same time, she identified challenges facing individuals moving from welfare to work and proposes steps to overcome these.

- Remove the stigma faced by former welfare recipients by shattering the myths about welfare, referring to former welfare recipients as "new workers", and making sure they receive worker protections.
- Continue attracting private sector employers by building on the work of the Welfare to Work Partnership and making sure they know about tax incentives. Employers and new workers were not well-informed about employer incentives or the EITC.
- Transportation, child care and affordable housing continue to be barriers to getting and keeping a job, which pending administration proposals and the WtW grants will help address. The smooth transition from welfare to work is also hampered by administrative glitches in some places.
- Encourage life long learning and skill building to ensure that people can advance in the workforce. (She heard that teen-age mothers in Milwaukee were forced to quit high school to pursue a job. It is our understanding that state policy follows the federal requirement that minor parents without a diploma must stay in school. Young parents between 18 and 20 are expected to prepare for work and may combine education with work.)
- Raise the earnings potential of fathers to ensure support from both parents.

Secretary Herman proposes 4 next steps:

1. Hold quarterly Cabinet level welfare-to-work meetings to enhance coordination among federal agencies. These would build on ongoing interagency staff-level meetings convened by DPC.
2. Encourage other Cabinet members, as well as state and local leaders, to go out and observe first hand how things are going.
3. Challenge labor, community, and faith-based organizations to do even more, building on the Vice President's coalition.
4. Convene an "Opportunity Summit" bringing together Cabinet members, governors, local officials, practitioners, labor, CBOs and welfare recipients to explore how to address the remaining challenges in making welfare-to-work a success. This is modeled after an event you convened as Governor.

H-1B VISAS

There have been increasing reports of skills shortages throughout the economy. The information technology industry is the most vocal and visible industry to claim a shortage, however, shortages have also been argued for truckers, welders in shipyards, and other such occupations. H-1B visas are one way by which companies can alleviate such short-term "skills shortages." The H-1B visa category allows foreign workers in "specialty occupations" with a BA (or equivalent experience) to enter jobs requiring a BA. The visas are issued for a 3-year period, and almost always renewed for one additional 3-year period. There is an annual cap of 65,000 such visas. And, we know that about one-half of individuals who enter through the H-1B visa program remain in the U.S. permanently. Last year was the first year that the 65,000 cap was reached; it is estimated that the cap will be reached by May (or so) of this year. Thus, there is growing pressure, from the IT industry in particular, to increase the H-1B visa cap.

There are likely to be two bills addressing this issue moving through Congress next month. The first, introduced by Senator Abraham, would raise the cap permanently; the second, which is being drafted by Senator Kennedy, would increase the cap temporarily. Both also contain some education or training component, although Kennedy's bill provides much stronger protections for American workers.

You should be aware that while there are estimates of large numbers of vacancies, particularly in the IT industry, there are different views as to both the numbers and the ability of U.S. workers to fill those jobs. Secretary Daley, for example, thinks that much of the shortage is the result of labor market inefficiencies and the unwillingness of some companies to retrain U.S. workers. The NEC, Commerce, and Labor strongly believe that we need to stress training of U.S. workers rather than simply lifting the H1-B caps (which is all that industry is talking about).

Q: What is the administration's position viz-a-viz the alleged shortage of skilled workers in the IT industry?

A: We recognize that there is a rising demand for skilled workers in some industries. That is why our first priority is to help U.S. workers get the skills they need to satisfy employers' rising demand for skilled workers. Key components of this strategy are our HOPE Scholarships, the Lifetime Learning Tuition Credit, the expansion of Pell Grants, and the extension and expansion of Section 127 (that excludes employer-paid tuition assistance from income). This is also why it is critical that Congress pass the G.I. Bill for America's Workers this spring.

Our second priority is to protect U.S. workers which is why we must reform the H-1B visa program.

Q: What, specifically, do you think of raising the cap on the number of H-1B visas?

A: This is an issue that we are looking at very carefully.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Deich (CN=Michael Deich/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:18-MAR-1998 16:08:20.00

SUBJECT: Re: INS Reform Rollout

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

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

CC: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Steven M. Mertens (CN=Steven M. Mertens/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

TEXT:

INS seems to think that they are respected by the public, and that a great wellspring of support for INS lies waiting to be tapped. Myself, I vote w/Peter -- we win the restructuring battle only if we stay low-key and provide an opportunity for the R's to take up our proposal and somehow make it their own (or at least accept our proposal as a nonpartisan, good-government management idea). If INS stirs up the media and promotes press stories that play up the 'us versus them' aspect of the restructuring debate (did CIR or the Administration win?), I think we will lose big time. Someone should ask the AG to talk w/Meissner and tell her to follow the lead of the WH on communications/legislative strategies.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-MAR-1998 12:16:51.00

SUBJECT: ACF Testimony

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

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

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

CC: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

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

TEXT:

We've reviewed both Olivia and Howard's testimony for House W&M Human Resources Subcommittee tomorrow. Olivia is giving a good overview of TANF implementation:

how it's going out in the states (quite positive, basically similar to Shalala memo and speech to AEI), what HHS is doing and new federal role (regs, guidance, research, partnerships with other federal agencies, accountability, TA), focus in coming months (working with states, communities and employers on job retention and success; working with states to make investments, develop knowledge, and provide supports for all families to succeed--including hardest to serve; completing transformation of welfare agencies to job centers, with appropriate linkages and community-based approaches; data collection and accountability; improving understanding of effects on children and families to continually improve programs and make necessary adjustments).

We've provided some comments to strengthen connections to our initiatives such as housing vouchers and Access to Jobs, and to make sure testimony is responsive to Shaw's concerns about HPB addressing all goals of TANF without specifically mentioning family formation and stability.

Howard is talking about research and evaluation--what we've learned, what we can expect to learn. We've provided a few comments to minimize chance that statements about what we know and don't know will get taken out of context in a negative way

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-MAR-1998 16:29:03.00

SUBJECT: Equal Pay follow

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

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

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

TEXT:

After you left, Sally was very strong in saying we would keep working on the data collection/EEO -1 issue. She went so far as to imply that on April 3rd we would make some kind of public, (though vague and conservative), announcement that we are doing a working group on the issue. Is that further than you would go?

We made clear to EEOC that we will work with them on the issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Daniel C. Montoya (CN=Daniel C. Montoya/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-MAR-1998 18:44:10.00

SUBJECT: PACHA Final Documents

TO: Margaret A. Murray (CN=Margaret A. Murray/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Richard J. Turman (CN=Richard J. Turman/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

TO: Lewis W. Oleinick (CN=Lewis W. Oleinick/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

TO: Joshua Gotbaum (CN=Joshua Gotbaum/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Grace A. Garcia (CN=Grace A. Garcia/OU=PIR/O=EOP @ EOP [PIR])
READ:UNKNOWN

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

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

TO: Barbara Chow (CN=Barbara Chow/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Daniel W. Burkhardt (CN=Daniel W. Burkhardt/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TO: JW14Z (JW14Z @ nih.gov @ inet [UNKNOWN])

READ:UNKNOWN

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

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

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

TO: Ursula J. Sanville (CN=Ursula J. Sanville/OU=ONDCP/O=EOP @ EOP [ONDCP])
READ:UNKNOWN

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

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

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

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

TO: R J. Gregrich (CN=R J. Gregrich/OU=ONDCP/O=EOP @ EOP [ONDCP])
READ:UNKNOWN

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

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

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

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

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

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

TO: Gordon P. Agress (CN=Gordon P. Agress/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TEXT:

The Presidential Advisory Council on HIV/AIDS concluded their meetings today. I am attaching a series of documents that include recommendations, resolutions, letters, press statements, etc. from the meeting. Please let me know if you need any further update. I can be reached at 632-1024, direct line.

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

PRESIDENTIAL ADVISORY COUNCIL ON HIV/AIDS

March 18, 1998

The Presidential Advisory Council on HIV/AIDS endorsed the following demands of the African-American Consultants to the Centers for Disease Control and Prevention African-American Initiative. These demands along with the Council endorsement will be transmitted to the President and the Secretary of Health and Human Services.

Presidential Advisory Council on HIV/AIDS

Passed Recommendation

LEADERSHIP RECOMMENDATION

In its ongoing Congressional lobbying related to FY 1999 budget and appropriations, the Council urges the Administration to advocate and fully support increased HIV/AIDS funding levels above those proposed in the President's own FY 1999 budget.

In so doing, the Council urges the Administration's full support for FY 1999 budget and appropriations funding levels proposed by National Organizations Responding to AIDS (NORA), which reflect documented community funding needs across the federal HIV/AIDS portfolio, especially those programs impacting African-Americans, Latinos, Native Americans, and Asian/Pacific Islanders.

Toward the goal of expanding access to promising new HIV therapies, the Council urges the Administration to consider the critical need for full funding for the ADAP program, as well as for primary medical care and other support services, including housing, which facilitate access to such treatments.

Considering the goal of reducing the number of new infections, the Council further urges the Administration to support efforts to provide substantial funding increases for prevention programs

There is a state of emergency because of HIV/AIDS in African-American and Latino communities. Therefore, the Council urges the Administration's full support for meaningful and sufficient funding levels for prevention and care initiatives targeting these communities.

Presidential Advisory Council on HIV/AIDS

Passed Recommendation

DISCRIMINATION SUBCOMMITTEE:

The President should work with Congress to create stronger protections for medical privacy, and should veto any legislation that 1) permits law enforcement authorities access to patient records without having obtained a warrant or meaningful and informed patient consent, or 2) fails to preserve the ability of the states to enact or maintain stronger privacy protections.

PACHA RESOLUTION ON NEEDLE EXCHANGE PROGRAMS

March 17, 1998

WHEREAS we the members of the Presidential Advisory Council on HIV/AIDS have on several occasions advised the President and Health and Human Services Secretary Donna Shalala that the Administration's current policy on needle exchange programs threatens the public health, and directly contradicts current scientific evidence regarding the efficacy of such programs; and

WHEREAS this Administration has yet to put forward a coherent plan to increase access to substance abuse treatment or to combat the spread of HIV among injection drug users and their partners; and

WHEREAS nearly 50% of all new HIV infections, and 44%, 44%, and 61% of all reported AIDS cases among African-Americans, Latinos, and women, respectively, are related to injection drug use; and

WHEREAS the Congress in 1997 reaffirmed Secretary Shalala's authority to make federal funds available for needle exchange programs, provided that she first determine that needle exchange programs reduce HIV transmission and do not encourage drug use; and

WHEREAS no fewer that six federally funded reports (including a 1997 Consensus Report prepared by the National Institutes of Health) and numerous other scientific studies have concluded that the above two criteria have been met; and

WHEREAS the nation's leading public health groups, including the American Medical Association, the American Public Health Association, the National Academy of Sciences, and the Association of State and Territorial Health Officers support needle exchange programs and the elimination of federal funding restrictions; and

WHEREAS 61% of Americans surveyed believe that decisions regarding the use of federal funds for needle exchange programs should be made by local communities and not the federal government; and

WHEREAS it is essential that the nation's health policies be based on sound, scientific evidence rather than on unsubstantiated fears or politics; and

WHEREAS in light of the disproportionate impact of injection drug-related HIV on communities of color in the United States, the Secretary's continuing inaction undermines the credibility of the Administration's stated goal of reducing racial and ethnic health disparities; therefore

BE IT RESOLVED that, in the interest of the public health, and in our capacity as independent advisors to the Administration, we unanimously express "no confidence" in the Administration's commitment and willingness to achieve the President's stated goal of "reducing the number of new infections annually until there are no new infections"; and

BE IT FURTHER RESOLVED that the Council urges Secretary Shalala to issue an immediate determination declaring the efficacy of needle exchange programs in preventing the spread of HIV while not encouraging the use of illegal drugs.

March 17, 1998

PRESIDENTIAL
ADVISORY
COUNCIL ON
HIV/AIDS

The Honorable William Jefferson Clinton
President
The White House

Dear Mr. President,

When you told us at the White House Conference on HIV/AIDS in 1995 that you wanted to see our country “reduce the number of new infections each and every year until there are no more new infections,” we believed you. Thus, it is with great frustration and disappointment that we, the members of your Presidential Advisory Council on HIV/AIDS, find it necessary to write this letter to you. We must express, in the strongest terms possible, our profound dismay regarding the lack of progress on the critical issue of removing the prohibition on the use of federal funds for comprehensive needle exchange programs.

Despite years of study and an overwhelming preponderance of scientific evidence, no action has been forthcoming. All six federally funded reports, an NIH Consensus Conference report, and many other reputable studies have concluded that needle exchange programs reduce HIV transmission and do not encourage drug use. In light of this overwhelming evidence—as well as support for needle exchange programs by the American Medical Association, the American Public Health Association and numerous other public health organizations across the country—the continuing delay by Secretary Shalala is appalling.

Tragically, we must conclude that it is a lack of political will, not scientific evidence, that is creating this failure to act. This political treatment of a public health issue is killing people; and it must cease.

According to studies from the Centers for Disease Control and Prevention, half of the 40,000 annual new HIV infections in this country are transmitted through needle sharing. Thousands more are infected through sexual contact with needle users. Injection drug use also accounts for the overwhelming majority of the pediatric AIDS cases in this country.

That the populations hurt most by your Administration’s continued silence are largely poor African-Americans and Latinos is particularly shameful in light of your Race Initiative’s stated goal of ending health disparities among racial and ethnic groups. We as a nation will never succeed in this goal without your bold leadership and political courage.

The Honorable William Jefferson Clinton
March 17, 1998
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It will be impossible to bring the epidemic to an end until you take decisive and effective action on this issue. Access to uncontaminated injection equipment, in conjunction with outreach, education, and referral and access to effective substance abuse treatment, is essential.

Additionally, we have yet to see any other coherent strategies or initiatives by the Administration to deal with the rampaging HIV epidemic among injection drug users, their partners, and their children. We are left with the unfortunate conclusion that their lives are considered to be expendable by those with decision-making power within this Administration.

Without action on this important matter, it is increasingly difficult to believe that your Administration is truly committed to ending new infections. As your advisors, we must tell you that this goal cannot be reached without action on this important item.

Mr. President, where do you stand on this issue?

We must further tell you that failure to act on this matter is destroying this Administration's credibility with people concerned about AIDS and is overshadowing the many other positive steps that have been made in combating this epidemic.

When the history of the AIDS epidemic is finally written, we do not want your legacy to be one of having failed to take a necessary step at a critical time to save thousands of lives.

We know that this issue is viewed by many as controversial. It is your leadership obligation to hear the varying viewpoints, weigh the scientific evidence, and make a Presidential decision on the matter. We fully believe that careful and honest consideration of the case on the merits can lead to only one conclusion: needle exchange programs decrease the transmission of HIV without encouraging drug use and, as such, are one important part of a continuum of activities to combat HIV.

Secretary Shalala must issue an immediate determination that needle exchange programs meet the two-pronged test laid out in the law and must remove the restriction on the use of federal funds where desired by state and local officials.

The Honorable William Jefferson Clinton
March 17, 1998
Page Three

In the nearly three years of the Council's existence, we have issued numerous recommendations and letters on this issue, and there is tremendous impatience and anger in the community and among Council members that nothing has happened. Every day that passes without action can be measured in needless new infections, infections we know how to prevent. The time for study and unwarranted delay is over. We urgently implore you and Secretary Shalala to act immediately.

Sincerely,

R. Scott Hitt, M.D.
Chair

Presidential Advisory Council on HIV/AIDS Members:

R. Scott Hitt, M.D., Chair
Stephen N. Abel, D.D.S.
Terje Anderson
Regina Aragon, M.P.P.
Judith A. Billings, Esq.
Charles Blackwell
Nicholas Bollman
Jerry Cade, M.D.
Lynne M. Cooper, D.Min.
Rabbi Joseph Edelheit
Robert Fogel, Esq.
Debra Fraser-Howze, M.P.A.
Kathleen Gerus
Phyllis Greenberger, M.S.W.
Nilsa Gutierrez, M.D., M.P.H.
Bob Hattoy
B. Thomas Henderson, Esq.
Michael Isbell, Esq.
Ronald Johnson
Jeremy Landau
Alexandra Mary Levine, M.D.
Steve Lew
Miguel Milanes
Helen M. Miramontes, M.S.N., R.N., F.A.A.N.
Rev. Altagracia Perez
Robert M. Rankin, M.D., M.P.H.
H. Alexander Robinson, Esq.
Debbie Runions
Sean Sasser
Benjamin Schatz, Esq.
Richard W. Stafford
Denise Stokes
Charles Quincy Troupe
Bruce G. Weniger, M.D., M.P.H.

STATEMENT BY DR. SCOTT HITT
CHAIR PRESIDENTIAL ADVISORY COUNCIL ON HIV/AIDS
March 17, 1998

Good morning. My name is Scott Hitt. I serve as Chair of the Council. In addition, I am a practicing physician, and have cared for more than 1,000 patients with HIV disease.

During the 3 days that this Council will meet, dozens of people's lives will have been forever changed because this Administration has failed to adopt a strategy that we know prevents HIV infection. In the 14 months since the Secretary of the HHS spoke about this issue, thousands of people have become infected as a result of injection drug use.

In December 1995, at the White House Conference on HIV/AIDS, the President established a goal of "reducing the number of new infections each and every year until there are no new infections." He spoke eloquently and with obvious feeling about the devastating impact this disease has had on the country. He spoke of personal friends lost to this epidemic and of societal loss as its consequence.

Thirteen months ago, the National Institutes of Health issued a consensus report which states, and I quote, "An impressive body of evidence suggests powerful effects from needle exchange programs. There is no longer doubt that these programs work, yet there is striking disjunction between what science dictates and what policy delivers." In other words, the NIH panel said needle exchange programs work.

A year ago, the President appointed Sandra Thurman as Director of the Office of National AIDS Policy. In remarks made immediately following her appointment, Director Thurman was asked by the press about needle exchange programs and declared her firm conviction, speaking for the administration, that we should quote, "follow the science."

There is clear and convincing evidence that the scientific community has reached the conclusion that needle exchange programs have a crucial role as part of a continuum of activities needed to combat HIV infection. It is time that the Secretary of Health and Human Services, as the chief public health official of the country, clearly and vigorously tell the American people what the scientists have told her: that needle exchange programs can prevent many new HIV infections. And, in answer to the question "does needle exchange promote drug use?"-- again, in the words of the NIH Consensus Statement, "a preponderance of evidence shows either no change or decreased drug use."

The American Medical Association, the American Public Health Assoc, National Academy of Sciences and numerous other public health organizations across the country have added their voices in support of such programs. The US Conference of Mayors, the American Bar Association, as well as the Chairs of the Congressional Black and Hispanic Caucuses, have urged action in this area. This Council has repeatedly urged the Administration to act.

Our patience is exhausted. We are angry at the inexcusable inaction by Secretary Shalala on this crucial issue affecting public health.

The Council unanimously passed a resolution expressing "no confidence" in the ADMINISTRATION'S commitment and willingness to achieve the PRESIDENT'S prevention goal. Today we are sending a letter to the President outlining our frustrations.

Mr. President, the time for study and delay is over; the science is indisputable; and the time for your action is now.

PRESIDENTIAL
ADVISORY

COUNCIL ON March 16, 1998

HIV/AIDS

The Honorable Donna Shalala
Secretary
Department of Health and Human Services
200 Independence Avenue
Washington, D.C.

Dear Secretary Shalala:

As the leading public health official in the country, it is your responsibility to exercise leadership on critical issues affecting the health of the nation. As the Presidential Advisory Council on HIV/AIDS, we urge you to demonstrate that leadership on the issue of needle exchange programs in our common fight against the transmission of HIV.

As you know, the statistics are compelling - injection drug use is directly responsible for half of all new HIV infections in this country annually, and indirectly responsible for the infection of thousands more people who are the sexual partners or children of infected users. HIV transmission related to needle sharing is, to a great extent, responsible for the frightening and disproportionate spread of HIV among African-Americans and Latinos, particularly women.

As you also know, the scientific evidence of the efficacy of needle exchange programs in preventing new infections is equally compelling, and there is no credible evidence that needle exchange programs lead to increased drug use.

We are, therefore, increasingly dismayed by your almost complete silence and continued inaction. This critical health issue demands your leadership, not only inside the government but also on a public level. Needle exchange programs have powerful and vocal opponents. As the nation's leading spokesperson on health you must insure that science, not unsubstantiated fears, guides this administration's policies.

808 17th Street, N.W., Suite 820
Washington, DC 20006

It is imperative that you state, publicly and unequivocally, what the scientific evidence demonstrates: needle exchange programs meet the two-pronged test laid out in the law. By issuing such a determination you will send an important message to the American people, and will help to change the terms of debate

and discussion on this issue.

The Honorable Donna Shalala

March 16, 1998

Page Two

It is equally imperative that you immediately engage the President on this matter, by providing him with a full briefing on the scientific data and stressing the critical role needle exchange programs can play in reaching his stated goal of reducing the number of new HIV infections until there are none. We are hopeful that, presented with such compelling evidence and your strong advocacy, the President will immediately act in the interest of public health and bring federal policy into line with current scientific knowledge.

Lack of political will can no longer justify ignoring the science. Every day that goes by means more needless new infections and more human suffering. We call upon you to make an immediate determination and to allow the local use of federal funds for needle exchange programs as part of a comprehensive HIV prevention program. To do anything less would be an abdication of your responsibilities.

Sincerely yours,

R. Scott Hitt, M.D.

Chair

Presidential Advisory Council on HIV/AIDS Members:

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Stephen N. Abel, D.D.S.
Terje Anderson
Regina Aragon, M.P.P.
Judith A. Billings, Esq.
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Denise Stokes
Charles Quincy Troupe
Bruce Weniger, M.D., M.P.H.

Denise Stokes Press Statement
Tuesday, March 17, 1998

In 1994, I sat a press conference as the Federal Government unveiled the America Responds To AIDS (prevention) Campaign. Having appeared in two of those ads, I shared the stage with The Secretary of Health, Donna Shalala. Her words that day reached me very deeply - as a person living with HIV - and as a young person there representing the future of America. She made such profound declarations. I sat and listened to Secretary Shalala say, "Every new HIV infection is a needless infection. We have the knowledge and the technology to prevent the ... spread of HIV. What we have lacked until now is the political will - because we have been too timid to talk openly about the prevention tools that are at your disposal."

Her words resounded in me and I understood them as being a promise made to me and to the rest of the American people that no more lives would be squandered away because of a lack of action from our government.

That was over 4 years ago ... and while people are dropping like flies, the Secretary still refuses to do what really needs to be done.

Reputable scientific data clearly indicates that needle exchange programs prevent the spread of HIV and do not encourage drug use. This is the technology ... these are the prevention tools at our disposal. When will this administration truly take a leadership role and exert this political will?

Real people - each with immeasurable value - have been neglected by this administration and left to die. Politics should not regulate the value of human lives.

Having been hit the hardest by the intravenous transmission of HIV, African American and Latino communities are outraged. Black AIDS leaders have declared a state of emergency because AIDS is killing us in such grossly disproportionate numbers. The Secretary of Health has at her immediate disposal the ability to begin a process which will save our lives.

Today, I am no longer speaking as the future of America ... I am now speaking for the dead and for the dying... because that is what we have become. At the age of 29, I have spent 16 years HIV positive. I have seen this disease gather momentum and devastate my community ... our communities. On behalf of those most at risk for HIV, I vehemently demand the right to life.

Statement by Terje Anderson

PACHA Press Conference

March 17, 1998

My name is Terje Anderson, I am Executive Director of the Southern Colorado AIDS Project located in Colorado Springs, and a member of the Council. I am also a recovering injection heroin user.

As someone who knows first hand the damage that drugs did in my life, I want to make clear that I am emphatically anti-drug and pro-treatment. We are not advocating programs that encourage people to use drugs. Substance abuse treatment and needle exchange programs are complementary parts of a whole system of services that we need, services that can help people along the path to recovery.

But I also know from personal experience that quitting is rarely easy. In my own case, it took several years in and out of various treatment programs, arrest, multiple emergency room visits and other traumas. But I finally did

quit - and I like to think my presence here is testament to that fact that recovery is possible, and that our lives are worth saving.

People do not begin using drugs because they have access to an uncontaminated needle any more than easy access to wine glasses is the cause of alcoholism or matches are the cause of teen smoking. It is not access to the means of administration that makes someone start an addictive, destructive behavior - it is much more complex, much deeper than that. Addiction is a chronic, progressive disease, and incredibly complex human factors influence who will and will not begin drug use.

There is a moral issue here, but not the one opponents of needle exchange programs are focusing on. The question should be: "Do you care about the lives of people like me? Are you willing to take steps - perhaps politically risky or unpopular steps - in order to save lives? Or, instead, are you willing to consider us expendable, disposable people?"

People with addictions can recover, we do recover. Please give us a chance to recover without first becoming infected with life-threatening diseases.

PRESIDENTIAL ADVISORY COUNCIL ON HIV/AIDS

RESEARCH SUBCOMMITTEE

Achieving the Goal of an AIDS Vaccine

Passed Recommendation

Background

Approximately 40,000 people become infected with HIV in the USA each year; worldwide, 6 million new infections occur annually. Although behavioral change to reduce risk of HIV infection is a viable strategy for some, it is clear that this strategy will not work for all. Only a preventive vaccine will ultimately be successful in stopping the AIDS pandemic. Commendably, President Clinton declared the goal, in May 1997, of a successful AIDS vaccine within the next decade. However, the current federal AIDS vaccine effort is stalled in paralyzing scientific debate and bureaucratic delay.

Since late 1995, the Research Committee of the Presidential Advisory Council on HIV and AIDS has devoted significant time and effort to issues concerning the development of an AIDS vaccine. The Committee consulted with numerous experts in AIDS research and vaccinology (Appendix A), and also solicited and received written input from these and other experts (Appendix B).

The scientific issues involved in vaccine development are extremely complex and controversial, and should be addressed by existing Federal agencies. NIH has an essential role to play in elucidating the basic scientific knowledge that underlies vaccine generation. However, this is only one aspect in the complete process of vaccine development. Additional administrative and policy structures will also be required to address the myriad public policy

issues which must also be resolved, both nationally and internationally to expedite development of a successful AIDS vaccine. These issues include development and implementation of mechanisms to assure the active participation and coordination of all relevant agencies of the US government, as well as the pharmaceutical industry and the international community, where candidate vaccines must be tested for efficacy, and where the need for an effective vaccine is the greatest. The recommendations which follow concern these administrative issues, which must be planned and coordinated simultaneously with the actual generation of candidate vaccines.

Requisite participants in vaccine development

Federal agencies: The proposed restructuring of the AIDS vaccine program within NIH represents an important step in expanding the scientific leadership which will be necessary to expedite the development of candidate vaccines. The appointment of Dr. David Baltimore as Chair of the AIDS Vaccine Research Committee (AVRC), the expanded vaccine budget, and the proposed institution of a new Vaccine Research Laboratory at the NIH, can all serve to invigorate the scientific process. The appointment of a full-time Director of the Vaccine Research Lab could provide another mechanism for coordination of the vaccine development effort within NIH. However, the Council is very concerned that recent progress has been slowed substantially by the failure to appoint this individual, who must be at the highest level of expertise.

In addition to NIH, Federal agencies such as the Centers for Disease Control and Prevention (CDC), Department of Defense (DOD), and the United States Agency for International Development (USAID) have among them extensive experience and expertise in the area of vaccine development, field epidemiology, surveillance, and the conduct of vaccine efficacy trials, especially in developing countries. It would thus seem prudent to ensure the active cooperation, collaboration and communication of all relevant federal agencies in the areas of

candidate vaccine development and testing, if the President's goal is to be met. Similar recommendations were made by the Levine Commission. However, although various NIH vaccine meetings have been attended by DOD and CDC representatives, and although an informal interagency group was formed, this group does not include senior leadership, and has not met on a regular basis. Thus, it is clear that no formal process of interagency coordination has been developed or implemented. If the President's goal is to be met, such interagency communication and coordination must occur, involving the highest levels of leadership from each agency.

Pharmaceutical and biotechnology industries: It is clear that development of a successful AIDS vaccine will also require the active involvement of the pharmaceutical and biotechnology industries, working in a coordinated manner with relevant federal agencies. The pharmaceutical industry traditionally has been a major leader in the creation and development of vaccines, and should be encouraged to participate actively in the pursuit of an AIDS vaccine. Further, eventual product development will require the infrastructure and expertise which reside primarily within the private sector of pharmaceutical and biotechnology industries. To ensure the requisite coordination of both public and private sectors, an administrative mechanism must be created. Multiple policy issues must also be addressed, in an attempt to overcome existing financial disincentives for involvement by the private sector. This may entail subsidies for targeted applied research, cooperative agreements for pilot manufacture of vaccine approaches not commercially attractive, support of phase III human efficacy trials, tax rebates, and/or patent extensions. Federal leadership will also be needed to address related issues, such as intellectual property rights, liability, and international vaccine development and purchase funds.

International community: Due to the higher prevalence of HIV/AIDS in developing nations, the majority of clinical testing for efficacy of candidate vaccines (Phase III) must

be accomplished internationally. Further, the majority of AIDS vaccine use is expected to occur in nations outside the USA. It is thus apparent that mechanisms to develop true partnerships between the international community and the federal AIDS vaccine effort must begin at once, with exchange of information and full coordination of combined efforts. Agencies such as the United Nations Program on AIDS (UNAIDS), the World Bank, the International AIDS Vaccine Initiative (IAVI), and the leading developed countries (G-8), as well as those countries most affected, have critical roles to play in the final testing and implementation of an AIDS vaccine. A mechanism must be developed to provide a means for ongoing communication and collaboration among these groups, as well as the other critical constituencies listed above. Critical issues which must be addressed by these groups include active involvement in the process by scientists living in the countries involved, assurance of scientifically and ethically appropriate field testing of candidate vaccines, and mechanisms to ensure access to vaccine product after successful field testing.

Leadership and coordination

Role of the President's Office: It is only within the Office of the President that sufficient authority exists to ensure leadership, through coordination and collaboration of all requisite constituencies, including Federal agencies, private sector, and the international community. Responsibility for this effort should rest with the Office of National AIDS Policy (ONAP). The Council, therefore, recommends that the President formally charge the Director of ONAP with developing and maintaining administrative mechanisms for accomplishing the requisite communication and coordination among all relevant parties, including assurance of the involvement of senior leadership from all constituencies. Adequate resources must be made available for this function.

Generation of a Comprehensive Federal Plan for AIDS Vaccine Development: A Comprehensive Federal AIDS Vaccine Plan must be developed and implemented. This plan

must include the vision and process for vaccine development, and must also depict the specific objectives, responsibilities, strategies and outcomes for the implementation of the plan. Additional requisites of the plan should include the framework by which competing issues may be addressed, an overall work schedule, and a specific time-frame in which certain milestones are to be accomplished. The Council recommends that the process for development of this plan be organized within the Office of National AIDS Policy, working with relevant federal agencies.

Moving candidate vaccines into human trials

Differences of opinion on the appropriate time for bringing AIDS vaccine strategies into human efficacy trials result from two divergent philosophical approaches. The “basic science” approach pursues knowledge of the underlying biological mechanisms of retroviral disease and immunity in animal models and limited human studies, in order to elucidate the protective immune response. Candidate vaccines are then designed to induce those specific responses, and only then do human efficacy trials proceed. The “empirical science” approach brings vaccines into human trials relatively earlier, if comparable vaccines were safe and effective in animals, even without a clear understanding of their biological mechanisms of action. This has been the case for many existing vaccines in current use. With the gravity of the current AIDS pandemic in the world, and the need to proceed with vaccine development as quickly as possible, the Council acknowledges that it will be necessary to test various traditional and novel vaccine design strategies in human clinical trials, even before the scientific correlates of protection have been fully deciphered. We thus advocate the simultaneous implementation of both basic and empiric scientific approaches. These parallel approaches should be recognized within the comprehensive Federal plan for AIDS vaccine development.

Summary of Recommendations:

1. Substantive involvement, coordination, and collaboration among all relevant federal

agencies, the private sector, and the international community are critical to the development of an effective AIDS vaccine.

2. Federal leadership at the highest level will be required, through the Office of National AIDS Policy, ensuring that adequate resources are provided for the coordination process necessary to achieve the goal of an effective AIDS vaccine.
3. The Office of National AIDS Policy should ensure the development and implementation of a comprehensive federal plan to achieve the goal of an effective AIDS vaccine.
4. The process of defining the structure and mission of the proposed (AIDS) Vaccine Center at NIH, and the appointment of a director with the highest level of expertise, should proceed promptly.
5. The urgent need for an AIDS vaccine mandates the simultaneous implementation of both basic and empiric scientific approaches.

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MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
MIKE COHEN
SECRETARY RILEY

SUBJECT: California Proposition 227 (Unz Initiative) to end Bilingual Education

On June 2, California voters will consider Proposition 227, English for the Children, an initiative which proposes to eliminate all bilingual education and require that all students be taught in English, regardless of their primary language or level of English comprehension. This is California's third potentially divisive race-related initiative in four years, following on the heels of Proposition 187 which barred public benefits for illegal immigrants, and Proposition 209 which ended affirmative action.

Latino activists are strongly opposed to Unz, and are looking to the White House for strong and visible support of their efforts to defeat Unz. Polls consistently show that the initiative is popular, even among Latino voters, and is likely to pass. While many expect Latino support to decline considerably as voters become more familiar with the details of the proposal, it is clear that the initiative taps frustration with highly publicized problems in some bilingual education programs as well as widespread dissatisfaction over the performance of the public schools, particularly with regard to Hispanic students.

Despite legitimate concerns over the ineffectiveness of some bilingual education programs as they are currently implemented in many places in California and throughout the country, your advisors strongly believe that the Unz initiative is bad education policy and will be harmful to students who need help the most. Despite some tricky politics, we believe that it is both good policy and good politics to oppose Unz, coupled with proposals to "mend, not end" bilingual education. This memo provides the background, rationale, and specific recommendations for this approach.

I. The English for the Children Initiative and Bilingual Education in California

A. Overview of English for the Children (Unz) Initiative

This initiative, authored and backed by Silicon Valley millionaire Ron Unz, is designed to end all bilingual education programs in California. More specifically, it would:

- Require that all public school instruction be conducted in English.
- Permit this requirement to be waived only if parents or guardians can show that the child

already knows English, has special needs, or would learn English faster through an alternative instructional technique.

- Provide initial placement for Limited English Proficient (LEP) students in "sheltered English immersion" programs for one year. Instruction in these programs would be conducted in English, with some accommodations in the curriculum to take into account the limited English language skills of the students.
- Appropriate \$50 million per year over 10 years to fund adult education programs that teach English, to adults who pledge to provide English language tutoring to LEP students.
- Makes teachers, administrators and school board members personally liable for failure to implement the provisions of the initiative, and subject to suit by parents or guardians.

Unz and other backers of this initiative make clear that they regard the existing system of bilingual education in the state as a complete failure. They argue that Latino and other immigrant parents want their children to learn English more rapidly than occurs at present. They charge that because bilingual education relies so heavily on use of the students' native language and only slowly introduces English, the approach delays or prevents, rather than promotes, the acquisition of English. Further, they point out that though California's bilingual education law expired a decade ago, the legislature has been unable to enact legislation to reform a broken program. This initiative, they argue, will break the legislative impasse and dramatically change bilingual education policy for the better.

Opponents criticize the Unz Initiative on a number of counts. Critics argue that the initiative is harmful to children, because it relies on a single, unproven approach that provides an unrealistic time period in which to learn English, and will result in grouping students in the same classes regardless of language, age or grade level. They argue that the one-size-fits-all approach eliminates a parent's right to choose the best approach for their child (and point out that the waiver requirements in the Unz initiative are extremely burdensome and unlikely to be used effectively, particularly by immigrant parents). They point out that the Unz initiative provides no accountability, because it lacks any requirements for assessing students' academic progress. They also point out that the Unz Initiative undermines local control and the ability of local school boards to determine important education policies, and wrongly subjects educators to lawsuits.

B. The Context of Bilingual Education in California

Demographics. There are approximately 1.3 million Limited English Proficient (LEP) students in California, approximately xx% of California's K-12 students.. This number has nearly doubled in less than a decade, and represents some 43% of the national total. Seventy nine percent of California's LEP students are native Spanish speakers. Hispanics have a 50% dropout rate, and by most indicators their academic performance lags behind most other population groups in the state.

Educational Services. LEP students receive a wide variety of types of services intended to help them learn English and academic subjects. In 1997, only approximately 30% receive

what is conventionally considered bilingual education--programs which make significant use of the student's primary language to teach academics while phasing in greater amounts of English language instruction. Approximately 16% are not receiving any language instruction services at all. The remainder--more than half-- participate in specially designed instructional programs that help students learn English through a combination of approaches such as direct instruction in grammar, vocabulary and communications, and instruction in academic subjects that is designed to be accessible to LEP students. The California Department of Education estimates that there is a shortage of 21,000 qualified bilingual education teachers.

While the rationale for the Unz Initiative is the perceived failure of bilingual education in California, less than a third of the eligible students actually participate in it. And the Unz initiative if enacted would eliminate virtually all of the programs now providing services to LEP students.

Significantly, none of the Unz opponents we spoke with in the education or advocacy communities were prepared to argue that bilingual education, or any other form of services to LEP students in California, is currently effective on a large scale basis. While program evaluations show that there are promising efforts using a number of different approaches, in the main there is a strong sense that shortages of qualified teachers and poor implementation has limited the effectiveness of many existing programs. In addition, most observers agree that the overall poor academic performance and high dropout rate of Hispanic students reflects serious weaknesses in schools that extend well beyond language services for LEP students.

California Legal Framework. The legal framework for providing services to LEP students in California is particularly murky. California's Bilingual Education Act sunseted in 1987, though under California law the overall purposes of the program remain in effect, even while the more specific design, programmatic and administrative features do not. The State Board of Education regulations implementing the act have remained in effect, and provided the state legal framework for bilingual education. Under this framework, school districts were required to help students become fluent in English and competent in other academic subjects, and were given a significant amount of flexibility in determining how to achieve these goals. Neither bilingual education nor any other specific approach to teaching LEP students was required.

There have been a number of unsuccessful attempts in the past decade to enact new legislation, but bilingual education reformers and advocates have been unable to agree on an approach. There has been a fresh attempt over the past month to craft compromise legislation, partly to take the steam out of Unz and partly to give Unz opponents something to be for. However, it is not clear that longstanding disagreements can be overcome this time. Nor is it considered likely that Gov. Wilson will sign compromise legislation.

Last week the California State Board of Education took the first step toward eliminating the state bilingual education regulations entirely. This process should be completed shortly

before the vote on Unz. While neither the motivations behind this step, nor its full implications, are clear, it appears that the overall impact will be to eliminate any state law or regulations regarding services to LEP students, and to give local school districts even greater flexibility in the future than in the past, subject to applicable federal requirements.

Federal Legal Framework. Federal requirements originate in the Due Process and Equal Protection Clauses of the Fourteenth Amendment, and provisions of the Equal Educational Opportunities Act (19XX) which require educational agencies to take appropriate action to overcome language barriers that impede equal participation by students in instructional programs.

As interpreted by the courts, these provisions do not require any specific form of services, such as Bilingual Education or English as a Second Language programs. Rather, they require the provision of supplemental language instruction that is based on sound educational theory, is adequately resourced and implemented, and is evaluated and modified as necessary.

These requirements afford local school districts in California considerable discretion to fashion programs and services according to their specific needs and resources. Rather than requiring a specific approach, they require that whatever approach is used be implemented effectively. If Unz is enacted, many expect that it will be challenged as a violation of federal law. However, prior to enactment, there is no basis to support that view. However, if services mandated by Unz are not implemented effectively, there is likely to be a strong basis for a legal challenge.

The federal Bilingual Education program (Title VII of the Elementary and Secondary Education Act) is an additional source of federal direction for participating local school districts. However, this competitive grant program also provides local school districts with considerable discretion in the type of services provided to students.

II. Political Context

The Unz initiative is the clearly the most serious threat to bilingual education, but it is not likely to be the last such threat. Earlier this year Speaker Gingrich proposed eliminating the bilingual education, and conservatives from English-only advocates to more serious scholars troubled by the lack of clear evidence of effectiveness (e.g., Diane Ravitch) have also called for the elimination of bilingual education. Especially if Unz passes, we are likely to see energized opposition to the federal program, and escalated opposition in other states and local communities.

The Unz initiative presents a political dilemma in California. If we oppose it, we risk alienating a majority of California Anglo voters. If we fail to oppose it, we risk alienating a vocal and increasingly influential group of Latino leaders, and possibly Latino voters.

Current polls show that a majority of all voters, and especially a majority of California Anglo voters, support Unz. For Anglos, bilingual may become the hot button issue that immigrant services and affirmative action were. Anglos are angry about spending money on bilingual education and want it stopped

In contrast, Latino voters are split on the issue of bilingual education. Latino activists and electeds oppose Unz. To some of the Latino leaders, this is a litmus issue, like Propositions 187 and 209. It is being viewed as a cultural attack and as racially motivated. Private conversations and press accounts suggest that Latino leaders are looking to the White House to become actively involved in the opposition to Unz, and are beginning to become fearful that we may sit on the sidelines when California considered eliminating educational opportunities for Latino children, until it is too late, .

Polls and anecdotal evidence show that show that Latino "voters" currently support Unz. Latino citizens believe the education system is failing to lift their children up to the standards of Anglo children. They are frustrated and want a better choice for their children's education, and this frustration is being translated into support for a proposition that purports to help their children learn English rapidly. However, most Latino leaders and activists believe that as Latino voters become better education about the particulars of the Unz initiative, Latino support will decline considerably.

More organizations and elected officials are taking positions on Unz. The California education community has been solidly opposed to Unz, including the California Teachers Association, the California School Boards Association, and others. Key Democratic officeholders have also announced their opposition to the Unz initiative. A list of organizations, elected officials and other leaders that have taken positions is attached.

The Republican state party, over the objections of the leadership, has supported Unz, though many Republican officials, including Gov. Wilson, have so far been treating this issue very carefully and have not taken a position. There is a chance that White House opposition to Unz could polarize the situation, and push Gov. Wilson and other Republicans into supporting Unz.

[Note: We need to determine where the Dem. Gubernatorial candidates, as well as Feinstein, are]

The political dilemma can be resolved with a "Mend it / Don't End it" response. We can strike a middle ground between Latino leaders, possibly Latino voters, and Anglos by admitting that bilingual education needs mending, but Unz is not the way to do it. More specifically, we can:

- Start by reiterating the overriding importance of helping every child become proficient in English
- Oppose Unz on the merits because it is too extreme;
- Remind voters what we are for, including our overall approach to strengthen public

- education and, within that, our Hispanic initiative aimed largely at increase academic achievement and high school completion among Hispanics;
- Propose to “mend” the federal bilingual education program through steps that will strengthen local control (and lift the cap on English programs); create expectations for learning English within a fixed period of time; strengthen accountability for students and programs alike by testing for English proficiency; and promoting our efforts to strengthen program quality by increased investments in teacher training.

III. Specific Recommendations

1. Announce opposition to Unz within next 4 weeks

We recommend that you or another senior Administration official (the Vice President or Secretary Riley) announce the Administration’s opposition to the Unz initiative within the next 4 weeks. One advantage of taking a position in the next month is that we have an opportunity to take an offensive position and set a polite tone rather than get involved in an inflammatory one. The closer to the election, the more likely this debate will devolve into a mud slinging race debate. If our objective is to support effective education for the 21st Century, we could make this an opportunity for fitting bilingual education into that kind of framework.

[Do we want to (1) make a specific recommendation re: whether the messenger should be POTUS, VPOTUS, or Riley; (2) lay out pro’s and con’s for each?]

2. Specific recommendations for changing federal bilingual education program

In accord with our recommendation for a “mend don’t end” approach to bilingual education, we believe that opposition to Unz should be coupled with specific proposals to change the federal bilingual education program. This approach will lend credibility to our position, and give us a basis for defining the Congressional debate we are anticipating. Specifically, we recommend the following changes:

Strengthen local control by lifting the existing cap on English programs. The current program already offers a great deal of flexibility to local school districts in how to approach education LEP students. However, it also contains a ceiling that permits only 25% of the funds to be used to support English-only programs. Since most participating school districts use a variety of approaches, the cap has not limited local approaches--though it is perceived as having that effect. lifting the cap would add credibility to our support for local control in California, and would help address the concerns of conservative critics. This approach would be unpopular with the bilingual advocacy community.

Create expectations for students to learn English within 3 years. We should build clear expectations into the bilingual education program that schools are expected to help students learn English within 3 years. One of the most powerful criticisms of bilingual education

programs is that they in fact prolong the time it takes for students to learn English. This criticism seems to resonate with many opponents as well as supporters of Unz. Because there is neither a strong enough research base nor policy consensus to set a hard and fast timeline for learning English (as Unz proposes), and because many students will face different individual circumstances, our approach should simply set a clear expectation.

Strengthen testing and accountability for students and programs. Programs should be required to test students for English proficiency (as well as achievement in other subjects) by the end of the 3-year time frame, and be required to provide additional services or take other corrective actions as appropriate when students not making adequate progress. There should also be additional accountability for school districts participating in the bilingual education program. Programs are already required to undergo evaluations; this requirement can be strengthened through administrative steps that would establish consequences, such as possible withholding of funds, from programs that fail to make adequate progress as measured by student achievement.

Underscore existing and increase efforts to strengthen the quality of programs that provide services to LEP students, regardless of the type of program being offered. Your budget requests a significant increase in funding for teacher training within the bilingual education program. This is a critical step to improving the quality of any instructional program for LEP students, and we should highlight it. We should undertake a vigorous effort, through technical assistance and effective dissemination approaches, to emphasize that any program for LEP students must be based on fundamental principles of quality. These principles include:

- students must be taught by well trained teachers
- students must have access to a quality curriculum
- student language skills and content learning must be periodically assessed, and the results used to modify instruction
- programs must be evaluated on an ongoing basis to determine effectiveness, and modifications made as needed.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan H. Schnur (CN=Jonathan H. Schnur/O=OVP [UNKNOWN])

CREATION DATE/TIME:18-MAR-1998 13:43:45.00

SUBJECT: H1B and the Vp's mtgs with AFL-CIO tomorrow

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

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

TEXT:

As you may know, the VP will be in Las Vegas tomorrow meeting with John Sweeney and the executive council of the AFL-CIO. Seems like it would be important to put in a few paragraphs on the H1b issue into his briefing book and to do a Q&A on this. Cece Rouse offered to try an initial draft and said she would send it to me, and I can send it to you for reactions/edits. I will also be on the trip tomorrow and can emphasize any key points to the VP in his briefing.

Also, when you get the draft language on the Administration's statement of principles, could you send it to me? Don asked if I could catch him and Ron Klain up on this later today.

Finally, I spoke with Cece for a while after the mtg yesterday, and I am wondering if we could be thinking bigger about a training package. I ran some ideas past her last night that I can explain in another note, but a preliminary question is how much \$ could be available for a package. Do you have any sense of this? It seems like this might be a great opportunity to get support (from Congress and industry) for a substantial training package, but I realize the budget cycle may be working against us.

**School Safety Event
Questions and Answers
March 19, 1998**

Overall Findings of Survey

Q: Doesn't the Study being released by the President today really show that we have a serious crime problem in our schools that we haven't been able to impact? What's so encouraging about a majority of our public schools -- or 57% -- reporting crimes to law enforcement?

A: Sure today's report shows that we have a serious crime problem in our schools -- frankly, even one serious crime in our schools is one too many. But the report also shows that:

- 90% of our public schools are free from serious violent crimes;
- 80% of schools reported 5 or fewer crimes; and
- 43% of schools reported no murders, rapes, sexual assaults, fights with or without weapons, robberies, thefts, or vandalism to law enforcement.

That means that a large majority of public schools are finding ways to keep their schools safe, and that's significant.

Vouchers

Q: If these findings show that many of our schools are unsafe, why shouldn't vouchers given to be children in these unsafe schools to go to the private school of their choice?

A: We must continue to invest and strengthen our nation's public schools. This means reducing class size, raising academic standards, modernizing our schools, expanding after-school programs, and connecting schools to the Internet so that all of our children can get the education they need and deserve. Vouchers would drain resources from our nation's public schools -- schools that are attended by 90% of our children -- to subsidize private schools.

The right way to help children in failing or unsafe schools isn't to drain those schools of resources -- it is to take drastic actions to fix and turn around the entire school for the benefit of all of the children in the school. We owe it to our children to preserve this nation's time-honored commitment to public education and our commitment to provide a good education to *all* of our children.

New Annual Report on School Safety

Q: How is the report being recommended by the Attorney General and Secretary Riley today any different from existing Departments of Education and Justice studies?

A: While there currently exists a patchwork of useful reports on school safety, they cannot be easily compared. They are sponsored by a different agencies. They measure different aspects of school safety (i.e., incidence of crime, student victimization, possession of weapons, disciplinary actions) and at different levels (i.e., school, state, student). And none have been released on an annual basis.

The new Annual Report on School Safety represents the first time this information will be pulled together in a single, comprehensive document for use at the school level. It will be designed to help parents and principals, lawmakers and law enforcement better understand and combat their local school crime problems. It will include a local safety checklist and recommend actions that communities can take to improve school safety.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:18-MAR-1998 17:58:59.00

SUBJECT: Cover memo for Herman report on welfare-to-work

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

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

CC: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

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

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

TEXT:

I've put the summary information I sent you yesterday into a draft memo to the President. Do you want to weigh in on any of Secretary Herman's proposals, such as the Opportunity Summit and quarterly Cabinet meetings? Phil Caplan needs the cover memo by Friday.===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D30]MAIL41038377U.026 to ASCII,
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March 18, 1998

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED

SUBJECT: SECRETARY HERMAN'S REPORT ON WELFARE-TO-WORK

The attached memo from Secretary Herman provides a good report on her recent welfare-to-work tour and reflects her strong personal commitment to this issue. In her visits to 10 cities she talked with a wide range of people, including former recipients. She found plenty of evidence that we're on the right track-- people want to work and are proud to be working. At the same time, she identified challenges facing individuals moving from welfare to work and proposes steps to overcome these.

- Remove the stigma faced by former welfare recipients by shattering the myths about welfare, referring to former welfare recipients as "new workers", and making sure they receive worker protections.
- Continue attracting private sector employers by building on the work of the Welfare to Work Partnership and making sure they know about tax incentives. Employers and new workers were not well-informed about employer incentives or the EITC.
- Transportation, child care and affordable housing continue to be barriers to getting and keeping a job, which pending administration proposals and the WtW grants will help address. The smooth transition from welfare to work is also hampered by administrative glitches in some places.
- Encourage life long learning and skill building to ensure that people can advance in the workforce. (She heard that teen-age mothers in Milwaukee were forced to quit high school to pursue a job. It is our understanding that state policy follows the federal requirement that minor parents without a diploma must stay in school. Young parents between 18 and 20 are expected to prepare for work and may combine education with work.)
- Raise the earnings potential of fathers to ensure support from both parents.

Secretary Herman proposes 4 next steps:

1. Hold quarterly Cabinet level welfare-to-work meetings to enhance coordination among federal agencies. These would build on ongoing interagency staff-level meetings convened by DPC.
2. Encourage other Cabinet members, as well as state and local leaders, to go out and observe first hand how things are going.
3. Challenge labor, community, and faith-based organizations to do even more, building on the Vice President's coalition.
4. Convene an "Opportunity Summit" bringing together Cabinet members, governors, local officials, practitioners, labor, CBOs and welfare recipients to explore how to address the remaining challenges in making welfare-to-work a success. This is modeled after an event you convened as Governor.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1998 20:42:16.00

SUBJECT: Rep. Harman's Request

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

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

TEXT:
BR/EK:

In case EB and/or others bring this up to you. Rep. Harman's office is not pleased with my "bureacratic, low-level" response on this issue, and is continuinng to pester Erskine, the VP, Rahm and others. It may get bounced to you. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 03/18/98
08:39 PM -----

Jose Cerda III
03/18/98 08:35:29 PM
Record Type: Record

To: Karen E. Skelton/WHO/EOP
cc: Robert N. Weiner/WHO/EOP, Michelle Crisci/WHO/EOP
Subject: Rep. Harman's Request

Karen:

Here's where we are on Rep. Harman's request that the WH/President "intervene and direct the FCC to act expeditiously to award much-needed frequencies to LA's law enforcement and emergency response agencies":

1. I reviewed the Congresswoman's request for the WH to intervene and direct the FCC to award 8 previously vacant frequencies -- which were instead awarded last year to a private paging company -- to LA law enforcement and emergency response agencies. Rep. Harman points out that, under a provision that she added to the Balance Budget Act, the FCC is required to make such frequencies available to law enforcement in broadcast-congested areas.

2. Since the request involved the FCC, an independent agency, I checked with Rob Weiner of WH Counsel on the appropriateness of calling the FCC. Rob explained that under no circumstances could I call the FCC directly on this matter, and that only the WH Counsel's Office could put a call into the FCC to get a status check. Even then, the WH could not direct the FCC to take any action.

3. I still met with the group of CA Chiefs visiting the WH. Rep. Berman's office has asked me to do this meeting weeks ago. We discussed a whole series of issues -- COPS funding, Methamphetamine Strategy, technology, asset forfeiture, encryption, and public safety spectrum.

When the spectrum issue came up, I made clear to the Chiefs that I could not intervene in the matter.

4. Today, I spoke w/Rep. Harman's Chief of Staff. I explained to him my inability to call the FCC on his concerns, but that I had still had a constructive meeting w/the CA Chiefs he wanted the WH to meet with. He insisted that I should be able to at least call the FCC to determine a time by which they would address Rep. Harman and the Chiefs concerns. I explained to him that I couldn't, but that I would speak to WH Counsel again.

5. Rob Weiner reiterated that I was prohibited from calling the FCC on this matter, and that I could share WH Counsel's memorandum on this with Rep. Harman's Chief of Staff. I then forwarded a copy of my file on this to Rob at WH Counsel.

I hope this answers your questions.
Jose'

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1998 12:03:37.00

SUBJECT: Bad news on the education legislation front

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

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

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

TEXT:

You missed some good news....Rep. Riggs has decided not to offer his anti-affirmative action amendment which would have been a tough vote.
----- Forwarded by Janet Murguia/WHO/EOP on 03/18/98
10:38 AM -----

Michael Cohen
03/18/98 09:43:18 AM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Janet Murguia/WHO/EOP
Subject: Bad news on the education legislation front

Please note the following depressing developments:

1. On the Coverdell/School Construction battle in the Senate: (1) we clearly will not have the votes to carry the substitute school construction bill; (2) we now clearly don't have 40 votes to sustain a filibuster of Coverdell (we have definitely lost Toricellil, Graham, Breaux, Feinstein, Biden, Cleland and Lieberman) and don't expect to pick up any R's. That means we only have 38 votes for filibuster--dangerously close to what we need to override a veto. Kennedy is trying to get enough signatures to demonstrate a veto-proof margin--that will tell us how strong we really are. My biggest fear is that we lose a few more Senate votes in the process (e.g., Landrieu may wind up following Breaux if she sees other Dem. defections), which then triggers Dem. defections in the House, rendering us unable to sustain a veto in either house.

2. D.C. Vouchers A D.C. voucher bill could come to the floor in the House as early as next week, though possibly not until later in April. Dems. want to use class size as an alternative; I think a DC-scale version of Zones is better (perhaps just for DC rather than a nationally competitive program). ED staff are setting up a meeting with Gephardt's staff. I'll make sure that Janet Murguia and I are there. The Zones legislation is just about drafted and is in OMB clearance review. If we decide to go for the Zones as a whole, or if we decide to do a DC-size version, I'll make sure we figure out a way-formally or informally-- to get our bill up there.

If we go with the full Zones proposal, the one outstanding issue is whether to keep it targeted to high poverty communities or make it more broadly available. Clay has wanted a less targeted approach, to make it easier to attract more votes. Last week I argued we shouldn't give up targeting this early in the process, unless Clay can trade less targeting for specific bipartisan support. However, now my view is that we should design this bill in the fashion that will get us the most votes when it is put up against vouchers.

Any thoughts on this?

3. Higher Ed Reauthorization/Title V Goodling is marking up his reauthorization proposal at 10:30 this morning; the draft was closely held until late yesterday. A few key concerns for us: Apparently the only teacher preparation piece in here is funding for Gov's to use to upgrade teacher certification and testing requirements. I've told ED we should be supportive of this in principle (and reminded them of POTUS views on teacher testing), unless a review of the details when they are available causes us some concern. We shouldn't have any problem here.

There are two big problems however. First, there is no \$ for any teacher recruitment and preparation at all--so our version of Title V isn't included, and neither are any others that have been floating around. (This actually could be a blessing in disguise for us--Dem's are likely to be more seriously supportive of our class size proposal if their proposal for teacher recruitment aren't going anyplace.) Second, Goodling pays for his teacher certification proposal by killing federal support for the National Board for Professional Teaching Standards.

Democrats are going to try and save the national board funding--though unless they can enlist Castle's support, they probably won't get anyplace. The Dem. strategy on the rest of Title V is less clear--as of last night, they hadn't coalesced around an alternative.

I've talked to the National Board lobbyist this morning. They assume they will lose the vote today. Hunt is really pissed and is trying to rally Rep. Gov. support. (even Lamar Alexander still supports the board, and led the effort as Secretary to provide federal funding).

I assume Goodling is motivated by at least the following factors: (1) he has never liked the national board, and was pissed when Alexander supported it; (2) the far right hates the board and is gearing up an attack on the Hunt national commission on teaching and america's future, which has been supportive of the board. I think this continues the far right track record of opposing anything in education that has the word national in it; (3) if we are for the board, Goodling will be against it.

At some point we ought to get the President to do a high profile event and join the battle over the board. We will get easily get business and educators on our side; we should be able to get bipartisan support among gov's as well. And we can be for tough standards and better teachers, while Congressional R's are not.

Below is just an issue to resolve, not another depressing development:

4. Class size Clay is very anxious to introduce our class size bill, and doesn't want to wait until POTUS gets back from Africa. I don't yet see a specific need to rush, since its not going to go any place, and since POTUS seems to want to do a big rollout event. On the other hand, with a short legislative session it can't really be in our interest to delay

sending something up there.

Bruce, is there anything in tobacco world that would impact on timing here. What do you think of letting Riley transmit and Clay introduce the bill, and then doing a big roll out with ED's white paper, state-by-state numbers, etc. --either at a legislature or someplace else?