

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 042 - FOLDER -007

[01/11/1999]

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Mike Cohen to Michael Cohen et al. at 07:56:03.00 re: Materials for reponse to POTUS re: Edley [partial] (1 page)	01/11/1999	P6/b(6)
002. email	Mike Cohen to Michael Cohen et al. at 07:57:03.00 re: Materials for reponse to POTUS re: Edley [partial] (1 page)	01/11/1999	P6/b(6)
003. email	Mike Cohen to Michael Cohen et al. at 07:58:23.00 re: Materials for reponse to POTUS re: Edley [partial] (1 page)	01/11/1999	P6/b(6)
004. email	Mike Cohen to Michael Cohen et al. at 07:58:43.00 re: Materials for reponse to POTUS re: Edley [partial] (1 page)	01/11/1999	P6/b(6)
005. email	Thomas Freedman to Elena Kagan et al. re: The Box (1 page)	01/11/1999	P6/b(6)
006. email	Sylvia Mathews to Elena Kagan and Beverly Barnes re: List of One Pagers (1 page)	01/11/1999	P6/b(6)
007. email	Christopher Edley Jr. to Elena Kagan and Maria Echaveste re: returning your call (1 page)	01/11/1999	P6/b(6)
008. email	Christopher Edley, Jr. to Elena Kagan and Maria Echaveste re: Notice of Visiting Appointments (1 page)	01/11/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[01/11/1999]

2009-1006-F

bm79

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mike Cohen <mikec_20904@yahoo.com> (Mike Cohen <mikec_20904@yahoo.com> [U

CREATION DATE/TIME:11-JAN-1999 07:56:03.00

SUBJECT: Materials for response to POTUS re:Edley

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

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

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

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

TEXT:

P6(b)(6)

[001]

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The second is a draft memo to POTUS responding to the issues Edley raises in his memo. I envision attaching the accountability document to this memo, though if that will be too much the memo can be revised accordingly.

I'll touch base as soon as I get in--page me if you need me before that.

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- newact2.wpd - edleyr.wpd===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

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1/10

Strengthening Accountability for Results in ESEA

The 1994 enactment of Goals 2000 and reauthorization of ESEA marked a sea-change in federal education policy by insisting that states set high standards for all students, measure student and school progress toward reaching the standards, and by taking the first steps to focus accountability on achieving results rather than complying with regulations. Our 1999 ESEA reauthorization proposal will complete this process by establishing a basic framework for holding states and school districts, schools and teachers, and students accountable for results. It does this by building on and strengthening provisions already in law and adding new provisions.

Taken together, our approach to strengthening accountability for results would require states to:

Establish High Standards and Aligned Assessments. We would retain provisions of current law, which require states to establish content and student performance standards and assessments aligned to the standards by 2000-01 school year. States must also define adequate yearly progress — increases in the percentage of students meeting state performance standards -- for Title 1 schools and local school districts in a manner that would result in continuous and substantial progress toward meeting state standards within a reasonable time frame.

Produce and Disseminate School, District and State Report Cards that Focus on Results. As a condition of receiving ESEA funds, we would require states and school districts to produce annual report cards, easily understood by and widely distributed to parents and the public, for each school, school district and the state as a whole. The report cards would include information on student achievement, teacher quality, school safety, attendance, graduation rates. Where appropriate the student achievement data would be disaggregated by demographic subgroups, to allow a greater focus on the gaps between minority and majority, low-income and more advantaged students. In addition, states would be required to publicly identify the lowest performing schools, so that parents and community members are aware of the need for improvement, and so local school boards and school administrators are under immediate pressure to address the situation.

Title 1 currently requires school and school district profiles, including disaggregated achievement data. Our proposal strengthens this provision by requiring report cards for all schools, not just those participating in Title 1, expanding the data to be reported, requiring the report cards to be widely disseminated, and requiring state level report cards as well.

Take Immediate Corrective Actions to Turn Around the Lowest Performing Schools. States would be required to identify no more than 5% of its schools as low performing, and make the identification public. These should be the schools with the lowest levels of student performance which have made little or no improvement over the previous 3 years. States must take corrective actions in these schools, based on an external audit and which address

fundamental staffing and curricular issues that are fundamental for improved student performance. Initially, corrective actions will include steps such as provision of extended learning opportunities, implementation of proven school reform models, and extensive teacher training. If these actions do not result in satisfactory improvements in student performance within [2] years, corrective actions must then include steps to replace adults in the school, either by reconstituting the school and making wholesale staff changes, or by closing the school down entirely and reopening it with new staff or as a charter school. If these steps do not work, the state must repeat them until they do; the Secretary will also have the authority to withhold ESEA funds provided for state administration. This approach will penalize state officials without taking funds away from services to students.

Recognize [and Reward] High Performing Schools. States would be required to recognize and reward schools that make significant and sustained (over 3 years) improvements in the percentage of students meeting state performance standards. States would have discretion in the design of this approach, including in the size and uses of financial rewards to schools.

Our ESEA reauthorization proposal would set aside 2.5% of Title 1 funds to fund the requirement for states to intervene in failing schools and reward high performing schools. Your FY2000 budget requests \$200 million to jump start this process by requiring states to begin interventions in the lowest performing schools immediately.

End Social Promotion. States would be required to end social promotion by adopting (or requiring local school districts to adopt) policies that (1) require students to meet academic performance standards at key transition points (e.g., 4th and 8th grade, prior to high school graduation) before being promoted; (2) uses multiple measures, including a test valid for these purposes as the primary tool to determine if a student has met the standards; (3) permit other factors to enter into a final determination as to whether the student has met the standards and should be promoted.

While requiring students to meet standards sends them an important message that “performance counts”, the more important message in this policy is that schools and school systems must devise and implement strategies for helping students meet the standards — on time. States and school districts would be required to show how they will help students meet promotion standards on time by (1) strengthening learning opportunities in the classroom with clear standards, small classes with well-prepared teachers, high quality professional development, use of proven instructional practices, and early identification and intervention for students who need extra help; (2) providing extended learning time for students who need extra help, including after-school and summer school; and (4) providing appropriate programs for students who still do not meet the standards, rather than simply having them repeat an entire grade.

States would be given five years to phase in this requirement, in order to provide the time necessary to ensure that adequate learning opportunities are available for all students, and

especially for those in low performing schools and school systems. However, states would have to commit to this policy, provide a detailed plan for its implementation, and identify annual implementation milestones in order to receive funding at the beginning of the five year period. The plan would require the approval of the Secretary of Education, who could withhold funding if the state failed to follow through with its implementation plan.

Assume Greater Responsibility for Teacher Quality — and Hold Teachers Accountable for Performance. As a condition of receiving funding under ESEA, states would be required to:

- ***Implement performance-based assessments for initial licensing.*** States would be required to develop and implement performance-based assessments for the initial licensing of teachers, aligned with student content and performance standards. These assessments would include written exams of content and teaching knowledge as well as an evaluation of teaching performance. The assessment of teaching performance could take place during a traditional teacher education program or during the first year of teaching for those who enter the classroom through alternative routes.
- ***End the use of unqualified teachers.*** States would be required to phase out the use of (1) teachers with emergency rather than full certification and (2) teachers teaching “out of field”. Both of these practices are particularly prevalent in high poverty, low-performing schools, and it will be essential to end them if we are to close achievement gaps, turn around failing schools, and help students meet promotion and graduation standards.

In addition to these provisions, we are working with the Education Department to develop additional requirements to strengthen teacher accountability and deal with low-performing teachers. These may include approaches such as requiring periodic recertification of all teachers, requiring school districts to implement peer review processes for teacher evaluation, or requiring school districts to adopt procedures for identifying low performing teachers, providing them with needed help, and removing them fairly and quickly if they do not improve.

Rewarding Success: Education Excellence Fund

The overriding goal of our ESEA proposal is to help all students reach challenging academic standards, and to close the racial, ethnic and socioeconomic gaps in student achievement at the same time. The accountability provisions, targeting provisions and program changes are all designed to work together to accomplish this purpose.

To reward those states, school districts and schools that succeed at this goal, we propose the establishment of a \$500 million per year Education Excellence Fund, which would first distribute funds in the third year after ESEA is enacted. At this level of funding, states and districts could receive a level of funding roughly equal to what they receive under Goals 2000 -- enough money to be seen as a significant incentive, and to focus national attention on those places that earn the funds.

The fund would have a simple design:

- All states and the [100] largest urban school districts [align this with targeting provision in school modernization proposal] would be eligible to participate, though none would be required to.
- In order to participate, states and school districts would be required to participate in NAEP reading and math on an annual basis, at three grade levels. As is presently the case, NAEP would be administered to a sample of students in each state or school district.
- Once a baseline level of performance is established in the first year after ESEA is enacted, the Secretary would determine for each state and school district annual targets for increases in the percentage of students meeting NAEP performance standards, as well as the increased in the percentage of racial, ethnic and socioeconomic subgroups meeting NAEP performance standards.
- Any state or school district that reaches its targets over three years would be eligible for funds under this program. The level of funding would be equal to that state or district's share of Title 1 funds. The overall pot of money would be divided on a 50-50 basis between states and big cities.
- Funds allocated to states or school districts that choose not to participate or that fail to reach performance targets would be redistributed to those states and districts that meet performance targets. Thus, at the outset, every state and district would know the

minimum level of funding it could receive if it meets performance targets, though it could receive higher levels depending on the performance of other states and districts.

- States and districts that receive funds under this program would be required to distribute 90% of the funds to its schools that made the greatest overall achievement gains and did the most to help close achievement gaps. States and districts would use state and/or local testing programs for these purposes. Each school would be free to use the funds for any activity it determines would contribute to additional improvements in student performance. States and districts would also be free to determine the use of the funds each could retain.

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Mike Cohen

SUBJECT: Reaction to Education Issues in Chris Edley's Memo

Chris Edley's memo argues that the approach we have developed with the Education Department to strengthening accountability in ESEA focuses on inputs (including a requirement that states and districts end social promotion) rather than results and lacks teeth. He also argues that our proposal to require states to end social promotions will alienate progressives, and suggests that instead of these proposals you pursue the idea of establishing a new and flexible education funding stream, targeted to high poverty communities, that would remain available to them only as long as they improve student achievement. As you review these ideas, we ask you to consider the following:

Our proposal provides strong accountability for results. A summary of our approach to strengthening accountability for results is attached. In brief, it requires states to set standards, measure student performance, issue school report cards, identify and reward outstanding schools and intervene to turn around lowest performing schools. It also requires states to end social promotion. The required interventions are tough; if schools are not turned around the state must replace the adults in failed schools, either by reconstituting the school and making wholesale staff changes, or by closing it down and reopening it with new staff or as a charter school. And if these changes don't produce improvement in student achievement, the state must take them again until they do. In our proposal, states must adopt and implement these practices as a condition of receiving any funds under ESEA. If they fail to do so, or if they are not implemented in a serious and effective fashion, the Secretary of Education can and should withhold funds from the state.

This approach to holding schools accountable for results is based on what you have tried to accomplish for more than a decade, as governor and as president. As last week's Education Week report shows, these practices are still not nearly as widespread as they should be. Yet other recent studies show they contribute significantly to the success that states such as North Carolina and Texas have achieved in boosting student achievement and reducing achievement gaps attributable to race, ethnicity and socioeconomic status.

Our proposal to end social promotion may well be controversial in some quarters, but it is sound and will be effective. Our approach requires states to phase in, over five years, an end to social promotion, thereby squarely focusing the attention of students, teachers, parents and the entire school system on getting kids to meet standards. The phase-in period will help ensure high quality implementation, prevent the abuses that Chris fears, and enable states to comply with civil rights laws addressing use of high stakes tests.

For those who oppose the use of tests to hold students accountable for performance under almost any circumstance, this requirement will indeed be controversial. However, by coupling an end to social promotion to other requirements and steps to strengthen learning opportunities in the classroom, provide extra help to students who need it, end the use of unqualified teachers, and hold schools and teachers accountable, we can honestly and accurately argue that this policy will help rather than harm students. Our requirements are designed to foster help for students who need it, and thereby increase the percentage of students promoted on time, rather than increase retention rates. This would track your own experience with the 8th grade test in Arkansas, where passing rates from 1985 to 1988 increased in reading from 85% to 96%, and in math from 82% to 95%.

If designed well, new funds can be effectively used to reward states, districts and schools for increased performance. We think a new fund that rewards school systems that make overall gains in student achievement and close achievement gaps is a good idea. The attached summary of accountability measures includes a description of how we would approach this.

As we understand Chris Edley's recommendation, he would create a large fund (growing to approximately \$8 billion per year, roughly the same size as Title 1). Funds would be provided to high poverty communities, which would have virtually complete flexibility in their use. School systems that do not show gains in student achievement would lose funding. Chris argues that such an approach is necessary because it is virtually impossible to cut off Title 1 funds, since local recipients see these funds as a virtual entitlement.

Our proposal differs from Chris's in several critical respects. It would be significantly smaller (perhaps \$1 billion over 5 years). While Edley's proposal would give high poverty communities additional funds they could use to improve achievement, our proposal presumes that we are already giving these communities funds to improve achievement -- through Title 1, Class Size Reduction, the Technology Literacy Challenge Program, the Reading Excellence Act, etc — so that additional funds should be available only to those who are effectively using these and their own funds to boost achievement. Finally, both Chris and we presume that Title 1 and other ESEA programs will continue. We propose to significantly strengthen their accountability provisions, and withhold funds where necessary, while Chris apparently would leave these untouched.

We agree that in rhetoric and in program design we should heavily stress the need to close the achievement gap between minority and majority, and between disadvantaged and advantaged students. We urge caution in framing this as a national goal akin to sending a man to the moon. We fear this may be seen as no more credible or likely to be reached than the National Education Goals set in 1990, including becoming first in the world in math and science.

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CREATOR: Mike Cohen <mikec_20904@yahoo.com> (Mike Cohen <mikec_20904@yahoo.com> [U

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- newact2.wpd - edleyr.wpd===== ATTACHMENT 1 =====

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While requiring students to meet standards sends them an important message that “performance counts”, the more important message in this policy is that schools and school systems must devise and implement strategies for helping students meet the standards — on time. States and school districts would be required to show how they will help students meet promotion standards on time by (1) strengthening learning opportunities in the classroom with clear standards, small classes with well-prepared teachers, high quality professional development, use of proven instructional practices, and early identification and intervention for students who need extra help; (2) providing extended learning time for students who need extra help, including after-school and summer school; and (4) providing appropriate programs for students who still do not meet the standards, rather than simply having them repeat an entire grade.

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especially for those in low performing schools and school systems. However, states would have to commit to this policy, provide a detailed plan for its implementation, and identify annual implementation milestones in order to receive funding at the beginning of the five year period. The plan would require the approval of the Secretary of Education, who could withhold funding if the state failed to follow through with its implementation plan.

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- ***Implement performance-based assessments for initial licensing.*** States would be required to develop and implement performance-based assessments for the initial licensing of teachers, aligned with student content and performance standards. These assessments would include written exams of content and teaching knowledge as well as an evaluation of teaching performance. The assessment of teaching performance could take place during a traditional teacher education program or during the first year of teaching for those who enter the classroom through alternative routes.
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In addition to these provisions, we are working with the Education Department to develop additional requirements to strengthen teacher accountability and deal with low-performing teachers. These may include approaches such as requiring periodic recertification of all teachers, requiring school districts to implement peer review processes for teacher evaluation, or requiring school districts to adopt procedures for identifying low performing teachers, providing them with needed help, and removing them fairly and quickly if they do not improve.

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The overriding goal of our ESEA proposal is to help all students reach challenging academic standards, and to close the racial, ethnic and socioeconomic gaps in student achievement at the same time. The accountability provisions, targeting provisions and program changes are all designed to work together to accomplish this purpose.

To reward those states, school districts and schools that succeed at this goal, we propose the establishment of a \$500 million per year Education Excellence Fund, which would first distribute funds in the third year after ESEA is enacted. At this level of funding, states and districts could receive a level of funding roughly equal to what they receive under Goals 2000 -- enough money to be seen as a significant incentive, and to focus national attention on those places that earn the funds.

The fund would have a simple design:

- All states and the [100] largest urban school districts [align this with targeting provision in school modernization proposal] would be eligible to participate, though none would be required to.
- In order to participate, states and school districts would be required to participate in NAEP reading and math on an annual basis, at three grade levels. As is presently the case, NAEP would be administered to a sample of students in each state or school district.
- Once a baseline level of performance is established in the first year after ESEA is enacted, the Secretary would determine for each state and school district annual targets for increases in the percentage of students meeting NAEP performance standards, as well as the increased in the percentage of racial, ethnic and socioeconomic subgroups meeting NAEP performance standards.
- Any state or school district that reaches its targets over three years would be eligible for funds under this program. The level of funding would be equal to that state or district's share of Title 1 funds. The overall pot of money would be divided on a 50-50 basis between states and big cities.
- Funds allocated to states or school districts that choose not to participate or that fail to reach performance targets would be redistributed to those states and districts that meet performance targets. Thus, at the outset, every state and district would know the

minimum level of funding it could receive if it meets performance targets, though it could receive higher levels depending on the performance of other states and districts.

- States and districts that receive funds under this program would be required to distribute 90% of the funds to its schools that made the greatest overall achievement gains and did the most to help close achievement gaps. States and districts would use state and/or local testing programs for these purposes. Each school would be free to use the funds for any activity it determines would contribute to additional improvements in student performance. States and districts would also be free to determine the use of the funds each could retain.

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Mike Cohen

SUBJECT: Reaction to Education Issues in Chris Edley's Memo

Chris Edley's memo argues that the approach we have developed with the Education Department to strengthening accountability in ESEA focuses on inputs (including a requirement that states and districts end social promotion) rather than results and lacks teeth. He also argues that our proposal to require states to end social promotions will alienate progressives, and suggests that instead of these proposals you pursue the idea of establishing a new and flexible education funding stream, targeted to high poverty communities, that would remain available to them only as long as they improve student achievement. As you review these ideas, we ask you to consider the following:

Our proposal provides strong accountability for results. A summary of our approach to strengthening accountability for results is attached. In brief, it requires states to set standards, measure student performance, issue school report cards, identify and reward outstanding schools and intervene to turn around lowest performing schools. It also requires states to end social promotion. The required interventions are tough; if schools are not turned around the state must replace the adults in failed schools, either by reconstituting the school and making wholesale staff changes, or by closing it down and reopening it with new staff or as a charter school. And if these changes don't produce improvement in student achievement, the state must take them again until they do. In our proposal, states must adopt and implement these practices as a condition of receiving any funds under ESEA. If they fail to do so, or if they are not implemented in a serious and effective fashion, the Secretary of Education can and should withhold funds from the state.

This approach to holding schools accountable for results is based on what you have tried to accomplish for more than a decade, as governor and as president. As last week's Education Week report shows, these practices are still not nearly as widespread as they should be. Yet other recent studies show they contribute significantly to the success that states such as North Carolina and Texas have achieved in boosting student achievement and reducing achievement gaps attributable to race, ethnicity and socioeconomic status.

Our proposal to end social promotion may well be controversial in some quarters, but it is sound and will be effective. Our approach requires states to phase in, over five years, an end to social promotion, thereby squarely focusing the attention of students, teachers, parents and the entire school system on getting kids to meet standards. The phase-in period will help ensure high quality implementation, prevent the abuses that Chris fears, and enable states to comply with civil rights laws addressing use of high stakes tests.

For those who oppose the use of tests to hold students accountable for performance under almost any circumstance, this requirement will indeed be controversial. However, by coupling an end to social promotion to other requirements and steps to strengthen learning opportunities in the classroom, provide extra help to students who need it, end the use of unqualified teachers, and hold schools and teachers accountable, we can honestly and accurately argue that this policy will help rather than harm students. Our requirements are designed to foster help for students who need it, and thereby increase the percentage of students promoted on time, rather than increase retention rates. This would track your own experience with the 8th grade test in Arkansas, where passing rates from 1985 to 1988 increased in reading from 85% to 96%, and in math from 82% to 95%.

If designed well, new funds can be effectively used to reward states, districts and schools for increased performance. We think a new fund that rewards school systems that make overall gains in student achievement and close achievement gaps is a good idea. The attached summary of accountability measures includes a description of how we would approach this.

As we understand Chris Edley's recommendation, he would create a large fund (growing to approximately \$8 billion per year, roughly the same size as Title 1). Funds would be provided to high poverty communities, which would have virtually complete flexibility in their use. School systems that do not show gains in student achievement would lose funding. Chris argues that such an approach is necessary because it is virtually impossible to cut off Title 1 funds, since local recipients see these funds as a virtual entitlement.

Our proposal differs from Chris's in several critical respects. It would be significantly smaller (perhaps \$1 billion over 5 years). While Edley's proposal would give high poverty communities additional funds they could use to improve achievement, our proposal presumes that we are already giving these communities funds to improve achievement -- through Title 1, Class Size Reduction, the Technology Literacy Challenge Program, the Reading Excellence Act, etc — so that additional funds should be available only to those who are effectively using these and their own funds to boost achievement. Finally, both Chris and we presume that Title 1 and other ESEA programs will continue. We propose to significantly strengthen their accountability provisions, and withhold funds where necessary, while Chris apparently would leave these untouched.

We agree that in rhetoric and in program design we should heavily stress the need to close the achievement gap between minority and majority, and between disadvantaged and advantaged students. We urge caution in framing this as a national goal akin to sending a man to the moon. We fear this may be seen as no more credible or likely to be reached than the National Education Goals set in 1990, including becoming first in the world in math and science.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Mike Cohen to Michael Cohen et al. at 07:58:23.00 re: Materials for reponse to POTUS re: Edley [partial] (1 page)	01/11/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[01/11/1999]

2009-1006-F

bm79

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mike Cohen <mikec_20904@yahoo.com> (Mike Cohen <mikec_20904@yahoo.com> [U

CREATION DATE/TIME:11-JAN-1999 07:58:23.00

SUBJECT: Materials for response to POTUS re:Edley

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

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

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

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

TEXT:

P6(b)(6)

[003.]

Attached are two draft documents. One is a summary of our accountability proposals, reflecting our meeting on Friday. I've sent a copy to Mike Smith to make sure he is ok with it, and will check with him as soon as I get in.

The second is a draft memo to POTUS responding to the issues Edley raises in his memo. I envision attaching the accountability document to this memo, though if that will be too much the memo can be revised accordingly.

I'll touch base as soon as I get in--page me if you need me before that.

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- newact2.wpd - edleyr.wpd===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D43]MAIL47506401R.036 to ASCII,
The following is a HEX DUMP:

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C13F7AB39F55E6BCD9139CAE4A64902D353257B0A7D6E175F84961B0C0B647666926820DDB7F9C

Strengthening Accountability for Results in ESEA

The 1994 enactment of Goals 2000 and reauthorization of ESEA marked a sea-change in federal education policy by insisting that states set high standards for all students, measure student and school progress toward reaching the standards, and by taking the first steps to focus accountability on achieving results rather than complying with regulations. Our 1999 ESEA reauthorization proposal will complete this process by establishing a basic framework for holding states and school districts, schools and teachers, and students accountable for results. It does this by building on and strengthening provisions already in law and adding new provisions.

Taken together, our approach to strengthening accountability for results would require states to:

Establish High Standards and Aligned Assessments. We would retain provisions of current law, which require states to establish content and student performance standards and assessments aligned to the standards by 2000-01 school year. States must also define adequate yearly progress — increases in the percentage of students meeting state performance standards -- for Title 1 schools and local school districts in a manner that would result in continuous and substantial progress toward meeting state standards within a reasonable time frame.

Produce and Disseminate School, District and State Report Cards that Focus on Results. As a condition of receiving ESEA funds, we would require states and school districts to produce annual report cards, easily understood by and widely distributed to parents and the public, for each school, school district and the state as a whole. The report cards would include information on student achievement, teacher quality, school safety, attendance, graduation rates. Where appropriate the student achievement data would be disaggregated by demographic subgroups, to allow a greater focus on the gaps between minority and majority, low-income and more advantaged students. In addition, states would be required to publicly identify the lowest performing schools, so that parents and community members are aware of the need for improvement, and so local school boards and school administrators are under immediate pressure to address the situation.

Title 1 currently requires school and school district profiles, including disaggregated achievement data. Our proposal strengthens this provision by requiring report cards for all schools, not just those participating in Title 1, expanding the data to be reported, requiring the report cards to be widely disseminated, and requiring state level report cards as well.

Take Immediate Corrective Actions to Turn Around the Lowest Performing Schools. States would be required to identify no more than 5% of its schools as low performing, and make the identification public. These should be the schools with the lowest levels of student performance which have made little or no improvement over the previous 3 years. States must take corrective actions in these schools, based on an external audit and which address

fundamental staffing and curricular issues that are fundamental for improved student performance. Initially, corrective actions will include steps such as provision of extended learning opportunities, implementation of proven school reform models, and extensive teacher training. If these actions do not result in satisfactory improvements in student performance within [2] years, corrective actions must then include steps to replace adults in the school, either by reconstituting the school and making wholesale staff changes, or by closing the school down entirely and reopening it with new staff or as a charter school. If these steps do not work, the state must repeat them until they do; the Secretary will also have the authority to withhold ESEA funds provided for state administration. This approach will penalize state officials without taking funds away from services to students.

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FROM: Bruce Reed
Mike Cohen

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Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Mike Cohen to Michael Cohen et al. at 07:58:43.00 re: Materials for reponse to POTUS re: Edley [partial] (1 page)	01/11/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[01/11/1999]

2009-1006-F
bm79

RESTRICTION CODES

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

RR. Document will be reviewed upon request.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mike Cohen <mikec_20904@yahoo.com> (Mike Cohen <mikec_20904@yahoo.com> [U

CREATION DATE/TIME:11-JAN-1999 07:58:43.00

SUBJECT: Materials for response to POTUS re:Edley

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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P6(b)(6)

[004.]

Attached are two draft documents. One is a summary of our accountability proposals, reflecting our meeting on Friday. I've sent a copy to Mike Smith to make sure he is ok with it, and will check with him as soon as I get in.

The second is a draft memo to POTUS responding to the issues Edley raises in his memo. I envision attaching the accountability document to this memo, though if that will be too much the memo can be revised accordingly.

I'll touch base as soon as I get in--page me if you need me before that.

DO YOU YAHOO!?

Get your free @yahoo.com address at http://mail.yahoo.com

- newact2.wpd - edleyr.wpd===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D45]MAIL44606401X.036 to ASCII,

The following is a HEX DUMP:

FF575043C8070000010A02010000000205000000DF3D000000020000B3CD2F6E4352C57DFB2A0B
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C13F7AB39F55E6BCD9139CAE4A64902D353257B0A7D6E175F84961B0C0B647666926820DDB7F9C

1/10

Strengthening Accountability for Results in ESEA

The 1994 enactment of Goals 2000 and reauthorization of ESEA marked a sea-change in federal education policy by insisting that states set high standards for all students, measure student and school progress toward reaching the standards, and by taking the first steps to focus accountability on achieving results rather than complying with regulations. Our 1999 ESEA reauthorization proposal will complete this process by establishing a basic framework for holding states and school districts, schools and teachers, and students accountable for results. It does this by building on and strengthening provisions already in law and adding new provisions.

Taken together, our approach to strengthening accountability for results would require states to:

Establish High Standards and Aligned Assessments. We would retain provisions of current law, which require states to establish content and student performance standards and assessments aligned to the standards by 2000-01 school year. States must also define adequate yearly progress — increases in the percentage of students meeting state performance standards -- for Title 1 schools and local school districts in a manner that would result in continuous and substantial progress toward meeting state standards within a reasonable time frame.

Produce and Disseminate School, District and State Report Cards that Focus on Results. As a condition of receiving ESEA funds, we would require states and school districts to produce annual report cards, easily understood by and widely distributed to parents and the public, for each school, school district and the state as a whole. The report cards would include information on student achievement, teacher quality, school safety, attendance, graduation rates. Where appropriate the student achievement data would be disaggregated by demographic subgroups, to allow a greater focus on the gaps between minority and majority, low-income and more advantaged students. In addition, states would be required to publicly identify the lowest performing schools, so that parents and community members are aware of the need for improvement, and so local school boards and school administrators are under immediate pressure to address the situation.

Title 1 currently requires school and school district profiles, including disaggregated achievement data. Our proposal strengthens this provision by requiring report cards for all schools, not just those participating in Title 1, expanding the data to be reported, requiring the report cards to be widely disseminated, and requiring state level report cards as well.

Take Immediate Corrective Actions to Turn Around the Lowest Performing Schools. States would be required to identify no more than 5% of its schools as low performing, and make the identification public. These should be the schools with the lowest levels of student performance which have made little or no improvement over the previous 3 years. States must take corrective actions in these schools, based on an external audit and which address

fundamental staffing and curricular issues that are fundamental for improved student performance. Initially, corrective actions will include steps such as provision of extended learning opportunities, implementation of proven school reform models, and extensive teacher training. If these actions do not result in satisfactory improvements in student performance within [2] years, corrective actions must then include steps to replace adults in the school, either by reconstituting the school and making wholesale staff changes, or by closing the school down entirely and reopening it with new staff or as a charter school. If these steps do not work, the state must repeat them until they do; the Secretary will also have the authority to withhold ESEA funds provided for state administration. This approach will penalize state officials without taking funds away from services to students.

Recognize [and Reward] High Performing Schools. States would be required to recognize and reward schools that make significant and sustained (over 3 years) improvements in the percentage of students meeting state performance standards. States would have discretion in the design of this approach, including in the size and uses of financial rewards to schools.

Our ESEA reauthorization proposal would set aside 2.5% of Title 1 funds to fund the requirement for states to intervene in failing schools and reward high performing schools. Your FY2000 budget requests \$200 million to jump start this process by requiring states to begin interventions in the lowest performing schools immediately.

End Social Promotion. States would be required to end social promotion by adopting (or requiring local school districts to adopt) policies that (1) require students to meet academic performance standards at key transition points (e.g., 4th and 8th grade, prior to high school graduation) before being promoted; (2) uses multiple measures, including a test valid for these purposes as the primary tool to determine if a student has met the standards; (3) permit other factors to enter into a final determination as to whether the student has met the standards and should be promoted.

While requiring students to meet standards sends them an important message that “performance counts”, the more important message in this policy is that schools and school systems must devise and implement strategies for helping students meet the standards — on time. States and school districts would be required to show how they will help students meet promotion standards on time by (1) strengthening learning opportunities in the classroom with clear standards, small classes with well-prepared teachers, high quality professional development, use of proven instructional practices, and early identification and intervention for students who need extra help; (2) providing extended learning time for students who need extra help, including after-school and summer school; and (4) providing appropriate programs for students who still do not meet the standards, rather than simply having them repeat an entire grade.

States would be given five years to phase in this requirement, in order to provide the time necessary to ensure that adequate learning opportunities are available for all students, and

especially for those in low performing schools and school systems. However, states would have to commit to this policy, provide a detailed plan for its implementation, and identify annual implementation milestones in order to receive funding at the beginning of the five year period. The plan would require the approval of the Secretary of Education, who could withhold funding if the state failed to follow through with its implementation plan.

Assume Greater Responsibility for Teacher Quality — and Hold Teachers Accountable for Performance. As a condition of receiving funding under ESEA, states would be required to:

- ***Implement performance-based assessments for initial licensing.*** States would be required to develop and implement performance-based assessments for the initial licensing of teachers, aligned with student content and performance standards. These assessments would include written exams of content and teaching knowledge as well as an evaluation of teaching performance. The assessment of teaching performance could take place during a traditional teacher education program or during the first year of teaching for those who enter the classroom through alternative routes.
- ***End the use of unqualified teachers.*** States would be required to phase out the use of (1) teachers with emergency rather than full certification and (2) teachers teaching “out of field”. Both of these practices are particularly prevalent in high poverty, low-performing schools, and it will be essential to end them if we are to close achievement gaps, turn around failing schools, and help students meet promotion and graduation standards.

In addition to these provisions, we are working with the Education Department to develop additional requirements to strengthen teacher accountability and deal with low-performing teachers. These may include approaches such as requiring periodic recertification of all teachers, requiring school districts to implement peer review processes for teacher evaluation, or requiring school districts to adopt procedures for identifying low performing teachers, providing them with needed help, and removing them fairly and quickly if they do not improve.

Rewarding Success: Education Excellence Fund

The overriding goal of our ESEA proposal is to help all students reach challenging academic standards, and to close the racial, ethnic and socioeconomic gaps in student achievement at the same time. The accountability provisions, targeting provisions and program changes are all designed to work together to accomplish this purpose.

To reward those states, school districts and schools that succeed at this goal, we propose the establishment of a \$500 million per year Education Excellence Fund, which would first distribute funds in the third year after ESEA is enacted. At this level of funding, states and districts could receive a level of funding roughly equal to what they receive under Goals 2000 -- enough money to be seen as a significant incentive, and to focus national attention on those places that earn the funds.

The fund would have a simple design:

- All states and the [100] largest urban school districts [align this with targeting provision in school modernization proposal] would be eligible to participate, though none would be required to.
- In order to participate, states and school districts would be required to participate in NAEP reading and math on an annual basis, at three grade levels. As is presently the case, NAEP would be administered to a sample of students in each state or school district.
- Once a baseline level of performance is established in the first year after ESEA is enacted, the Secretary would determine for each state and school district annual targets for increases in the percentage of students meeting NAEP performance standards, as well as the increased in the percentage of racial, ethnic and socioeconomic subgroups meeting NAEP performance standards.
- Any state or school district that reaches its targets over three years would be eligible for funds under this program. The level of funding would be equal to that state or district's share of Title 1 funds. The overall pot of money would be divided on a 50-50 basis between states and big cities.
- Funds allocated to states or school districts that choose not to participate or that fail to reach performance targets would be redistributed to those states and districts that meet performance targets. Thus, at the outset, every state and district would know the

minimum level of funding it could receive if it meets performance targets, though it could receive higher levels depending on the performance of other states and districts.

- States and districts that receive funds under this program would be required to distribute 90% of the funds to its schools that made the greatest overall achievement gains and did the most to help close achievement gaps. States and districts would use state and/or local testing programs for these purposes. Each school would be free to use the funds for any activity it determines would contribute to additional improvements in student performance. States and districts would also be free to determine the use of the funds each could retain.

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Mike Cohen

SUBJECT: Reaction to Education Issues in Chris Edley's Memo

Chris Edley's memo argues that the approach we have developed with the Education Department to strengthening accountability in ESEA focuses on inputs (including a requirement that states and districts end social promotion) rather than results and lacks teeth. He also argues that our proposal to require states to end social promotions will alienate progressives, and suggests that instead of these proposals you pursue the idea of establishing a new and flexible education funding stream, targeted to high poverty communities, that would remain available to them only as long as they improve student achievement. As you review these ideas, we ask you to consider the following:

Our proposal provides strong accountability for results. A summary of our approach to strengthening accountability for results is attached. In brief, it requires states to set standards, measure student performance, issue school report cards, identify and reward outstanding schools and intervene to turn around lowest performing schools. It also requires states to end social promotion. The required interventions are tough; if schools are not turned around the state must replace the adults in failed schools, either by reconstituting the school and making wholesale staff changes, or by closing it down and reopening it with new staff or as a charter school. And if these changes don't produce improvement in student achievement, the state must take them again until they do. In our proposal, states must adopt and implement these practices as a condition of receiving any funds under ESEA. If they fail to do so, or if they are not implemented in a serious and effective fashion, the Secretary of Education can and should withhold funds from the state.

This approach to holding schools accountable for results is based on what you have tried to accomplish for more than a decade, as governor and as president. As last week's Education Week report shows, these practices are still not nearly as widespread as they should be. Yet other recent studies show they contribute significantly to the success that states such as North Carolina and Texas have achieved in boosting student achievement and reducing achievement gaps attributable to race, ethnicity and socioeconomic status.

Our proposal to end social promotion may well be controversial in some quarters, but it is sound and will be effective. Our approach requires states to phase in, over five years, an end to social promotion, thereby squarely focusing the attention of students, teachers, parents and the entire school system on getting kids to meet standards. The phase-in period will help ensure high quality implementation, prevent the abuses that Chris fears, and enable states to comply with civil rights laws addressing use of high stakes tests.

For those who oppose the use of tests to hold students accountable for performance under almost any circumstance, this requirement will indeed be controversial. However, by coupling an end to social promotion to other requirements and steps to strengthen learning opportunities in the classroom, provide extra help to students who need it, end the use of unqualified teachers, and hold schools and teachers accountable, we can honestly and accurately argue that this policy will help rather than harm students. Our requirements are designed to foster help for students who need it, and thereby increase the percentage of students promoted on time, rather than increase retention rates. This would track your own experience with the 8th grade test in Arkansas, where passing rates from 1985 to 1988 increased in reading from 85% to 96%, and in math from 82% to 95%.

If designed well, new funds can be effectively used to reward states, districts and schools for increased performance. We think a new fund that rewards school systems that make overall gains in student achievement and close achievement gaps is a good idea. The attached summary of accountability measures includes a description of how we would approach this.

As we understand Chris Edley's recommendation, he would create a large fund (growing to approximately \$8 billion per year, roughly the same size as Title 1). Funds would be provided to high poverty communities, which would have virtually complete flexibility in their use. School systems that do not show gains in student achievement would lose funding. Chris argues that such an approach is necessary because it is virtually impossible to cut off Title 1 funds, since local recipients see these funds as a virtual entitlement.

Our proposal differs from Chris's in several critical respects. It would be significantly smaller (perhaps \$1 billion over 5 years). While Edley's proposal would give high poverty communities additional funds they could use to improve achievement, our proposal presumes that we are already giving these communities funds to improve achievement -- through Title 1, Class Size Reduction, the Technology Literacy Challenge Program, the Reading Excellence Act, etc — so that additional funds should be available only to those who are effectively using these and their own funds to boost achievement. Finally, both Chris and we presume that Title 1 and other ESEA programs will continue. We propose to significantly strengthen their accountability provisions, and withhold funds where necessary, while Chris apparently would leave these untouched.

We agree that in rhetoric and in program design we should heavily stress the need to close the achievement gap between minority and majority, and between disadvantaged and advantaged students. We urge caution in framing this as a national goal akin to sending a man to the moon. We fear this may be seen as no more credible or likely to be reached than the National Education Goals set in 1990, including becoming first in the world in math and science.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sylvia M. Mathews (CN=Sylvia M. Mathews/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:11-JAN-1999 08:29:20.00

SUBJECT: List of One Pagers

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

What am I leaving out Elena?

Enviroment

Health

Education

Urban Issues (do we need this one and the next?)

Rural America

Race

Economy (workforce, exim manufacturing)

Women's Issues

R and D

National Security/Defense

Crime/Drugs

Disability

Promoting Family

Elena have you seen a draft of the SOTU? That may help as well.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-JAN-1999 11:21:43.00

SUBJECT: FYI - NY Post story on Rangel

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Elizabeth J. Potter (CN=Elizabeth J. Potter/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

what is this about?

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on
01/11/99 11:19 AM -----

Laura Emmett

01/11/99 08:44:55 AM

Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP

cc:

Subject: FYI - NY Post story on Rangel

fyi

----- Forwarded by Laura Emmett/WHO/EOP on 01/11/99 08:46
AM -----

Nanda Chitre

01/10/99 03:57:50 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP, Jacob J. Lew/OMB/EOP, Janet Murguia/WHO/EOP

cc: Laura Emmett/WHO/EOP

Subject: FYI - NY Post story on Rangel

NEWS

RANGEL: BILL WANTS 'EM TO STAY BRONX BOMBERS

By DAVID SEIFMAN

President Clinton favors keeping the Yankees in The Bronx and using a rejuvenated stadium to anchor redevelopment of the area, Rep. Charles Rangel (D-Manhattan) told The Post.

The U.S. Department of Housing and Urban Development has prepared a document for Clinton detailing a number of development plans involving the House That Ruth Built, including proposals put forward by Mayor Giuliani, Yankee owner George Steinbrenner and Bronx Borough President Fernando Ferrer, Rangel said.

The congressman said Clinton told him Jan. 5, "We need Yankee Stadium and we need it in The Bronx. It's a national monument."

He said Clinton also said, "You know the Yankees' victory has put new gusto into baseball. When you think about [Mark] McGwire and [Sammy] Sosa and you think about the whole season, and with the NBA problems, we need the Yankees."

Last week Rangel met with the president's budget advisers to discuss including money in the next federal budget for a Harlem-South Bronx empowerment zone that would include Yankee Stadium.

"We're looking at this as not just a city problem, but that Yankee Stadium is a national landmark within a federal empowerment zone," Rangel said.

"This goes beyond Yankee Stadium. We're talking about that whole area," he said.

Rangel sponsored a 1993 law that put parts of Harlem and the South Bronx in an empowerment zone that would give tax breaks to companies that build in the area and provide jobs for local residents.

Because the Stadium is in the zone, any development there could take advantage of those breaks.

Clinton is rumored to be considering unveiling a South Bronx development plan in his State of the Union Address on Jan. 19, one source said.

The president also may say something about the Stadium when the Yankees visit the White House in March to be acknowledged as the World Series champions, Rangel said. But he added that he does not know if the president's enthusiasm will translate into a willingness to commit federal money.

Clinton is far from advocating a specific plan.

"He wants to support any plan he could with city, state and private sector support to keep Yankee Stadium in The Bronx," Rangel said.

Rangel, whose congressional district does not include the Stadium, stressed that the important players in the Stadium question are Giuliani, Steinbrenner, Ferrer and state economic development chief Charles Gargano.

Ferrer has advocated a "Yankee Village" plan that calls for renovating the Stadium by adding luxury boxes and other amenities, revitalizing a commercial strip nearby, and building a new Metro-North rail station, 10,500 parking spots and a regional retail center at the Bronx Terminal Market.

The mayor's office did not return calls for comment on the Stadium.

New York magazine reports in this week's issue that the congressman had dinner with the Boss the same day he spoke with the president.

"I hope the president gives [Steinbrenner] an offer he can't refuse," Rangel told the magazine.

Steinbrenner spokesman Howard Rubenstein told The Post the Yankees owner is excited by Clinton's interest but will consider Giuliani's wishes before committing to any plan.

"The Yankees are certainly pleased that the president has recognized the national importance of the South Bronx and the Yankees as a national treasure.

"This might be a tremendous boost to not only the Yankees but to housing, transportation and full economic development of that area," Rubenstein said.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 12:38:42.00

SUBJECT: Tobacco

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

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

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

TEXT:

----- Forwarded by Laura Emmett/WHO/EOP on 01/11/99 12:37
PM -----

Dawn V. Woollen
01/11/99 12:33:52 PM
Record Type: Record

To: Laura Emmett/WHO/EOP
cc:
Subject: Tobacco

Attached is the tobacco section in the budget. Linda Ricci asked me to let you know that it is largely unchanged (if there are any changes) from the last version.

Thanks,
Dawn

----- Forwarded by Dawn V. Woollen/OMB/EOP on 01/11/99
12:32 PM -----

Christopher Ferris
01/11/99 12:24:39 PM
Record Type: Record

To: Dawn V. Woollen/OMB/EOP@EOP
cc:
Subject:

Tobacco stuff

Stopping Youth Smoking: The 1998 State Attorneys General Tobacco

Settlement was a step in the right direction, as the tobacco industry affirmed its responsibility to pay for health care costs caused by tobacco. But more must be done to protect our children and preserve public health. The Administration is pursuing a two-pronged approach:

Raise the price of cigarettes, so fewer young people start to smoke. Public health experts agree that the single most effective way to cut youth smoking is to raise the price of cigarettes: For every 10 cents additional per pack, estimates show that 270,000 fewer teenagers will begin smoking over the next five years --and more than 90,000 premature deaths will be avoided as a result. Last year, the President called for an increase of \$1.10 per pack (in constant dollars) to help cut youth smoking in half within five years. This year, we can build on the increases already agreed to between the tobacco companies and the states and those already legislated by the Congress. As a result, we can work with the Congress and, with a single increase of only half this amount, reach the target this year.

The funds that result from this policy will cover tobacco-related health care costs. Each year, the Federal government spends billions of dollars treating tobacco-related diseases --in our armed forces, our veterans, and others. It is fitting that the tobacco industry reimburse US taxpayers for these costs, just as it has already agreed to do for the states.

Give the Food and Drug Administration full authority to keep cigarettes out of the hands of children. The Administration will again propose legislation that confirms the FDA's authority to regulate tobacco products: to halt advertising targeted at children, and to make sure that cigarettes are not sold to them.

Since US taxpayers paid a substantial portion of the Medicaid costs that were the basis for much of the state settlement with the tobacco companies, Federal law requires that the Federal government recoup its share. However, the Administration will again support legislation to waive direct Federal recoupment, if states agree to use a portion of funds from the settlement for programs currently financed by Federal taxpayers.

Tobacco is linked to over 400,000 deaths a year from cancer, respiratory illness, heart disease, and other health problems. Each year, a million young people become regular smokers, 300,000 of whom will die earlier as a result. The budget includes \$61 million of additional funds for tobacco-related activities in the CDC and the FDA--\$27 million of which will pay for expanding CDC's existing State-based tobacco prevention activities, and \$34 million of which will support FDA's outreach and enforcement activities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-JAN-1999 12:43:54.00

SUBJECT: Education Meeting

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

TEXT:

FYI

----- Forwarded by Cathy R. Mays/OPD/EOP on 01/11/99
12:43 PM -----

Karin Kullman
01/11/99 12:20:38 PM
Record Type: Record

To: Marjorie Tarmey/WHO/EOP, Cathy R. Mays/OPD/EOP
cc:
Subject: Education Meeting

Just before Stephanie saw the President this morning, she ran into Maria and they discussed the Education Meeting.

Maria told Stephanie that we should not do it without Riley (and he can't be there tomorrow), and that it should just be submitted by paper.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Thomas Freedman to Elena Kagan et al. re: The Box (1 page)	01/11/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[01/11/1999]

2009-1006-F

bm79

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 13:40:11.00

SUBJECT: REMINDER: 2:30 PM SOTU/BUDGET PRESS ROLL-OUT MEETING

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

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

TO: Christopher S. Lehane (CN=Christopher S. Lehane/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TO: Jennifer N. Devlin (CN=Jennifer N. Devlin/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Antony J. Blinken (CN=Antony J. Blinken/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

TO: Patricia M. Ewing (CN=Patricia M. Ewing/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Matt Gobush (CN=Matt Gobush/OU=NSC/O=EOP @ EOP [NSC])

READ:UNKNOWN

TO: Sarah A. Bianchi (CN=Sarah A. Bianchi/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jonathan Orszag (CN=Jonathan Orszag/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jake Siewert (CN=Jake Siewert/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Janet L. Graves (CN=Janet L. Graves/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TEXT:

2:30 PM SOTU/BUDGET PRESS ROLL-OUT MEETING IN ROOSEVELT ROOM.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 13:44:49.00

SUBJECT: Edley memo

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Shannon Mason (CN=Shannon Mason/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Can I get the cover note to the memo as soon as possible, please. Thanks.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	Sylvia Mathews to Elena Kagan and Beverly Barnes re: List of One Pagers (1 page)	01/11/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[01/11/1999]

2009-1006-F
bm79

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 14:20:04.00

SUBJECT: NARAL

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

TEXT:

Melanne Verveer has asked that you clear the following message for us. It is to be printed in the dinner journal, and the First Lady is speaking at the event. Please note-they need the message later today for printing purposes. If you have any questions I can be reached at 6-5526. Thank you.

" I am pleased to congratulate the members of NARAL as you celebrate your organization's 30th anniversary.

You can look back with pride on three decades of action and accomplishment in the struggle to defend the right to choose. From the grassroots level to the halls of Congress, NARAL members have stepped forward with courage and conviction to promote policies that protect the lives and health of women and ensure their reproductive freedom and dignity.

Working together, we have made real progress in our goal to make abortion safe, legal, accessible, and rare. Early in my Administration, I restored Medicaid funding for abortion in cases of rape, incest, and life endangerment; stopped all proceedings on the "gag rule" that prevented women from discussing abortion with health professionals; reversed the Mexico City policy; and signed into law the Freedom of Access to Clinic Entrances Act to protect women's health care centers from violence. In all of these achievements, your leadership and support played a prominent role.

As we mark this milestone in the history of NARAL and the 26th anniversary of Roe v. Wade, let us reaffirm our commitment to preserving the freedom, safety, and health of all our citizens, and let us look forward to the day when every child in America is a wanted child, raised in a strong, loving family.

Hillary joins me in extending best wishes for a memorable anniversary celebration.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-JAN-1999 14:32:58.00

SUBJECT: TODAY'S STRATEGY MEETING

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

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

TO: Charles A. Blanchard (CN=Charles A. Blanchard/OU=ONDCP/O=EOP @ EOP [ONDCP])
READ:UNKNOWN

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

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

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

CC: Jason H. Schechter (CN=Jason H. Schechter/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

CC: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

CC: Patricia E. Romani (CN=Patricia E. Romani/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TEXT:

The 3:00 CRIME STRATEGY MEETING FOR TODAY IS CANCELLED.

Stopping Youth Smoking: Every day, 3,000 children become regular smokers and 1,000 have their lives shortened because of it. Almost 90 percent of adult smokers began smoking by age 18 and today, 4.5 million children aged 12 to 17 -- 37 percent of all high school students -- smoke cigarettes. Tobacco is linked to over 400,000 deaths a year from cancer, respiratory illness, heart disease and other problems. To end this public health crisis, we must have a focused public health effort to reduce youth smoking. The 1998 State Attorneys General Tobacco & state tobacco settlement was an important step in the right direction, as the tobacco industry affirmed its responsibility to pay for health care costs caused by tobacco. but more must be done to protect our children and preserve public health. hold the tobacco industry accountable. The Administration is pursuing a two-pronged approach. believes a few key additional steps to reduce youth smoking must be taken at the national level:

Raise the price of cigarettes, so fewer young people start to smoke. ~~Public health experts agree that the single most effective way to cut youth smoking is to raise the price of cigarettes: — For every 10 cents additional per pack, estimates show that 270,000 fewer teenagers will begin smoking over the next five years — and more than 90,000 premature deaths will be avoided as a result. Last year, the President called for an increase of \$1.10 per pack (in constant dollars) to help cut youth smoking in half within five years. This year, we can build on the increases already agreed to between the tobacco companies and the states and those already legislated by the Congress and As a result, we can work with the Congress and, with a single propose an increase of only half this amount. —reach the target this year.~~

The funds that result from this policy will cover tobacco-related health care costs. Each year, the Federal government spends billions of dollars treating tobacco-related diseases --in for our armed forces, our veterans, and our federal employees others. It is fitting that the tobacco industry reimburse US taxpayers for these costs, just as it has already agreed to do for the states.

Give Reaffirm the Food and Drug Administration's full authority to keep cigarettes out of the hands of children and support critical public health efforts to prevent youth smoking. The Administration will again propose legislation that confirms the FDA's authority to regulate tobacco products: to halt advertising targeted at children, and to make sure that cigarettes are not sold to them. To help curb youth access to tobacco products and support tobacco prevention programs in states and local communities, the Administration's budget will double the funding for the Food and Drug Administration's tobacco budget to \$68 million and increase funding for the Centers for Disease Control's tobacco control efforts by one-third, from \$73 to \$100 million. Moreover, the Administration will continue to support measures to hold the tobacco industry accountable for reducing youth smoking.

Protect farmers and farming communities. The Administration is committed to working with all parties to protect tobacco farmers and their communities, and will monitor closely on-going efforts by the states and private industry should additional actions be needed.

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

In addition to these Medicaid costs, tobacco-related health problems have cost the Medicare program billions of dollars over the last three decades. To recover these losses, the U.S. Department of Justice intends to bring suit against the tobacco industry, and the new FY 2000 budget will contain \$20 million to pay for the necessary legal costs. All recoveries will be used to preserve and protect Medicare for future generations.

~~Tobacco is linked to over 400,000 deaths a year from cancer, respiratory illness, heart disease, and other health problems. Each year, a million young people become regular smokers, 300,000 of whom will die earlier as a result. The budget includes \$61 million of additional funds for tobacco-related activities in the CDC and the FDA \$27 million of which will pay for expanding CDC's existing State-based tobacco prevention activities, and \$34 million of which will support FDA's outreach and enforcement activities.~~

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 16:11:04.00

SUBJECT: fyi

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:

... I had stopped the recorder & even rewound during both those naughty bits you were concerned about.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-1999 16:19:00.00

SUBJECT: NC9052: 'Jose' moves into top spot for baby names in California

TO: Minyon Moore (CN=Minyon Moore/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TO: edley (edley @ law.harvard.edu @ inet [UNKNOWN])

READ:UNKNOWN

TEXT:

FYI--the following news story made me laugh--I just don't know what it means for our country.

----- Forwarded by Maria Echaveste/WHO/EOP on 01/11/99 04:18 PM -----

Richard Socarides 01/11/99 11:30:55 AM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc:

Subject: NC9052: 'Jose' moves into top spot for baby names in California

----- Forwarded by Richard Socarides/WHO/EOP on 01/11/99 11:32 AM -----

rwockner @ netcom.com
01/09/99 02:00:00 AM

Record Type: Record

To: Stuart D. Rosenstein, Richard Socarides

cc:

Subject: NC9052: 'Jose' moves into top spot for baby names in California

This item is copyrighted. Do not print it without permission from the originating media operation. Do not post this item in a public online forum. Items on this mailing list that are not copyrighted will not contain this message. This free mailing list is open only to my friends. It has 210 recipients.

LOS ANGELES, Jan 8 (AFP) - The Spanish name Jose became the most popular name in 1998 in California and Texas, two of the biggest states in the country, the Los Angeles Times reported Friday.

The name reflects the burgeoning Hispanic populations in those states, who are now more likely to cling to their heritage than adopt Anglicized names as waves of previous immigrants did.

The shift is all the more notable in a country that predictably rotated John, Robert, James, Michael and David at the top of the list of boys' most popular names for nearly a century.

"Thirty years ago, most people would not have given their child an ethnic name," said Edward Callary, an English professor at Northern Illinois University and editor of the American Name Society's journal.

"A lot of folks tried to blend in and fold into American society as quickly as they could," Callary told the Times.

The popularity of the name Jose is more than just a reflection of a growing Hispanic population, he said. It also shows that this population is more comfortable with showing its ethnicity.

Michael Shackelford, the Social Security Administration actuary who compiled the list, said when he saw that Jose topped the list of names "it was a little bit of shock," though it made sense.

Following Jose in terms of popularity in California were the more traditional names of Daniel, Michael, Anthony and Jacob.

The most popular girls' names were Jessica, Ashley, Emily, Jennifer and Samantha.

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
id <01J6BJ4H6UTS001ET6@PMDF.EOP.GOV>; Sat, 9 Jan 1999 02:02:22 EST

Received: from storm.eop.gov by PMDF.EOP.GOV (PMDF V5.1-9 #29131)
with ESMTTP id <01J6BJ4FQ2QO001MPK@PMDF.EOP.GOV>; Sat,
09 Jan 1999 02:02:20 -0500 (EST)

Received: from netcom18.netcom.com ([192.100.81.131])
by EOP.GOV (PMDF V5.2-29 #34437) with ESMTTP id <01J6BJ3RJ862001ITC@EOP.GOV>;
Sat, 09 Jan 1999 02:01:48 -0500 (EST)

Received: (from rwockner@localhost)
by netcom18.netcom.com (8.8.5-r-beta/8.8.5/(NETCOM v1.02)) id XAA23736; Fri,
08 Jan 1999 23:00:57 -0800 (PST)

=====
END ATTACHMENT 1
=====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Clara J. Shin (CN=Clara J. Shin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-1999 16:28:31.00

SUBJECT: Promosing Practices Compendium

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

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

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

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

TO: Bob J. Nash (CN=Bob J. Nash/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Thurgood Marshall Jr (CN=Thurgood Marshall Jr/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

TO: Lawrence J. Stein (CN=Lawrence J. Stein/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: Minyon Moore (CN=Minyon Moore/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

CC: Jena V. Roscoe (CN=Jena V. Roscoe/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

CC: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Jocelyn A. Bucaro (CN=Jocelyn A. Bucaro/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

CC: Jessica L. Gibson (CN=Jessica L. Gibson/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

CC: Scott R. Hynes (CN=Scott R. Hynes/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

CC: Robert L. Nabors (CN=Robert L. Nabors/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

TEXT:

A reminder that comments re: the Promising Practices Compendium are due in by 4:30 tomorrow. The earlier the better, however, as we are attempting to expedite the printing process. The President will be announcing the Compendium in his radio address this Saturday. Thank you and do not hesitate to contact me with any questions.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sean P. Maloney (CN=Sean P. Maloney/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JAN-1999 17:35:21.00

SUBJECT: The President's Trip to NY

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

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

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

TO: Wesley P. Warren (CN=Wesley P. Warren/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

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

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

TO: George T. Frampton (CN=George T. Frampton/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

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

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

TO: Lawrence J. Stein (CN=Lawrence J. Stein/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Robert S. Kapla (CN=Robert S. Kapla/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

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

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

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

TO: Christopher Wayne (CN=Christopher Wayne/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Beth A. Viola (CN=Beth A. Viola/OU=CEQ/O=EOP @ EOP [CEQ])

READ:UNKNOWN

TO: Michael V. Terrell (CN=Michael V. Terrell/OU=CEQ/O=EOP @ EOP [CEQ])

READ:UNKNOWN

TO: Jordan Tamagni (CN=Jordan Tamagni/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Aviva Steinberg (CN=Aviva Steinberg/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Jake Siewert (CN=Jake Siewert/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Dan K. Rosenthal (CN=Dan K. Rosenthal/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: John Podesta (CN=John Podesta/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Mary Morrison (CN=Mary Morrison/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Minyon Moore (CN=Minyon Moore/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Megan C. Moloney (CN=Megan C. Moloney/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Laura A. Graham (CN=Laura A. Graham/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Brenda B. Costello (CN=Brenda B. Costello/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Cecily C. Williams (CN=Cecily C. Williams/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Dorian V. Weaver (CN=Dorian V. Weaver/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

READ:UNKNOWN

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

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

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

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

TO: Simeona F. Pasquil (CN=Simeona F. Pasquil/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TO: Cynthia M. Jasso-Rotunno (CN=Cynthia M. Jasso-Rotunno/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Nancy V. Hernreich (CN=Nancy V. Hernreich/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

TO: Barbara A. Barclay (CN=Barbara A. Barclay/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

TEXT:

On Thursday afternoon, January 14, 1999, the President will travel to New York City where he will attend a Wall Street Project reception. On Friday morning, he will deliver the keynote address to the Wall Street Project Conference and then return to the White House.

Deadlines for the President's Trip Book are as follows:

NY Background Memos: DUE WED., JAN. 13, AT NOON

- Political Memo
- CEQ Hot Issues
- Cabinet Affairs Hot Issues
- Accomplishments

Event Memos: DUE WED., JAN 13, AT 6:00 P.M.

- Wall Street Project Gala Reception
- Wall Street Project Keynote Address

Please call or email me if you have any questions. Thanks.

January 12, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Mike Cohen

SUBJECT: Reaction to Education Issues in Chris Edley's Memo

The attached memo from Chris Edley argues that our ESEA proposals do not go far enough. At the same time, he complains that our proposal to require states to end social promotion will alienate progressives. At your request, we have developed a new performance incentive proposal to help ensure that we demand and reward results. In keeping with your principle that future increases should be contingent on improved performance, we recommend that performance incentives only be given to communities that are making progress with the federal education funds they already receive. This is different from Chris's proposal, which would create a whole new funding stream and leave Title 1 untouched.

Our ESEA proposal demands results in other ways as well. It requires states to set standards, measure student performance, end social promotion, issue school report cards, identify and reward outstanding schools and intervene to turn around lowest performing schools. If these schools don't improve, the state must reconstitute the school and make wholesale staff changes, or by close it down altogether and reopen it with new staff or as a charter school. States must adopt and implement these practices as a condition of receiving any funds under ESEA. If they fail to do so in a serious and effective fashion, the Secretary of Education will have the authority to withhold funds from the state.

Our proposal to end social promotion may well be controversial in some quarters, but it is sound and will be effective. We do not share Chris's view that ending social promotion is "a distraction" from your education reform agenda. On the contrary, it is a central part of holding schools, teachers and students accountable for results, as you demonstrated with the eighth grade test in Arkansas and as Chicago, Boston, and other communities are demonstrating today. Our approach requires states to phase in, over five years, an end to social promotion, thereby squarely focusing the attention of students, teachers, parents and the entire school system on getting kids to meet standards. The phase-in period will help ensure high quality implementation, prevent the abuses that Chris fears, and enable states to comply with civil rights laws addressing use of high stakes tests.

For those who oppose the use of tests to hold students accountable for performance under almost any circumstance, this requirement will indeed be controversial. The best way to deal

with the concerns of the civil rights community is to advocate ending social promotion the right way -- by coupling it with other steps to strengthen learning opportunities in the classroom, provide extra help to students who need it, end the use of unqualified teachers, and hold schools and teachers accountable. Done right, this policy will help rather than harm students. Our requirements are designed to foster help for students who need it, and thereby increase the percentage of students promoted on time, rather than increase retention rates. This would track your own experience with the eighth grade test in Arkansas, where passing rates from 1985 to 1988 increased in reading from 85% to 96%, and in math from 82% to 95%.

MEMORANDUM FOR ELENA KAGAN

FROM: Julie Fernandes
CC: Cynthia Rice
RE: Public Charge -- remaining legal issues

DATE: January 11, 1999

Recent changes in the welfare and immigration laws, along with changes in the Medicaid program, have created some confusion about how Medicaid and Food Stamps should be considered in the determination of whether an alien is or is likely to become a "public charge." Determination as a "public charge" has significant consequences for an alien -- it can cause them to be denied admission to the United States, deported, or denied permanent residency. By statute, the INS and State Department are required to consider the alien's age, health, family status, assets, resources, financial status, education and skills when considering whether he or she is or is likely to become a public charge.

There have been documented instances in which aliens have been denied re-entry to the U.S. because they had received Medicaid or Food Stamps. Moreover, aliens have been told that receipt of Medicaid and/or Food Stamps will have a negative effect on their immigration status. These cases have translated into widespread concern in immigrant communities about legal receipt of these benefits, even where the beneficiary is a U.S. citizen child. The concern about negative immigration consequences associated with the legal use of Medicaid and Food Stamps interferes with the President's goals of increasing insurance coverage and improving public health.

After much discussion and debate, the INS and the State Department have agreed to issue guidance that past or current use of Medicaid, the Children's Health Insurance Program (CHIP), or Food Stamps (or their state analogs) is not to be considered in determining whether a person is likely to become a public charge for purposes of admission to the U.S. or adjustment of status, except where an alien has received long-term institutionalized care funded by Medicaid.

However, we have not reached resolution on how these programs should be treated for purposes of deportation based on having become a public charge. Section 237(a)(5) of the INA states that "[a]ny alien who, within five years after the date of entry, has become a public charge from causes not affirmatively shown to have arisen since entry is deportable." Under the INS's current policy -- informed by a 1948 decision of the Board of Immigration Appeals (BIA), *Matter of B.* -- if an alien is subject to the new binding affidavit of support (post-December 1997 aliens only) and (1) receives a public benefit (like Medicaid or TANF) within five years after entry, (2) there is a demand for repayment of the value of that benefit from the benefit-granting agency, and (3) the sponsor refuses to pay, the *alien* can be subject to deportation for being a public charge. The

theory is that since the new affidavit of support creates a binding obligation on the part of the sponsor to support the alien, a failure on the sponsor's part to meet that obligation creates an unpaid debt for which the alien is responsible, and thus the alien is deportable as a public charge.

With regard to the receipt of federal welfare benefits, this rule has almost no application -- most aliens entering the U.S. are not eligible for Medicaid and/or Food Stamps for the first five years (unless, of course, we manage to restore some benefits to post-Welfare Act aliens in FY 2000). However, states are free to provide welfare-like benefits (including state-only food and health benefits) to post-Welfare Act aliens. Thus, aliens in jurisdictions where state-only benefits are available may be deterred from taking advantage of these programs if they believe there may be deportation consequences down the road. In addition, some states do not make clear whether benefits offered are state-only or federally financed, and thus some aliens may be deterred from taking advantage of any medical and/or food benefits for fear of the possible deportation consequences.

Issue #1

We would like to be able to assure legal immigrants that legal use of Medicaid, CHIP, and Food Stamps -- or their state analogs -- would never lead to deportation. The legal question that we have posed to the Department of Justice is how we can get to this result in light of the aforementioned BIA case (*Matter of B.*) that sets out this multi-part test for when a finding of public charge is triggered. According to DOJ, the binding affidavit of support creates just the kind of debt that *Matter of B.* contemplated.

The Department has indicated that in order for the Attorney General to take certain programs (like Medicaid or Food Stamps) off the table for purposes of triggering the *Matter of B.* test, she must issue a regulation. However, they have suggested that it may be possible to issue interim guidance that directs INS officers not to consider Medicaid or Food Stamp use as a basis for a debt that could trigger deportation, pending the issuance of a regulation that effects this change. OLC is looking into whether this option is legally permissible.

Issue #2

We would like the INS's guidance to lay out a clear analytical distinction between those programs that should be considered for purposes of the public charge analysis, and those that should not.

The current version of the guidance lists examples of those programs that should be considered in the public charge analysis (TANF, SSI) and those that should not be considered (Food Stamps, Medicaid, WIC, etc.), but does not articulate the basis for distinguishing one group from the other. Thus, if an immigration or consular officer is presented with an alien who is receiving benefits from a program not listed, there is no guidance to that officer about whether to consider

this program for public charge purposes.

HHS has made the argument to the INS that the distinction should be between cash and non-cash benefits (with an exception for those who reside in a long-term care institution; though the benefit they receive is non-cash, they are wholly dependent on it for food and shelter). The State Department, while not endorsing any particular framework for the overall distinction, has long relied on the conclusion that Food Stamps are "supplemental" for determining that receipt of Food Stamp benefits should not be considered for purposes of public charge.

According to DOJ and INS, they have not yet concluded whether they can -- in light of their past administrative decisions re: public charge -- separate programs based on a cash/non-cash or a supplemental/non-supplemental distinction.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 18:23:45.00

SUBJECT: REVISED Edits to OMB's tobacco write-up

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

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

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

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

TO: Thomas L. Freedman (CN=Thomas L. Freedman/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:

Please look at revised and give me any comments tonight. Where I had conflicting comments I took Bruce's. Let me flag:

(1) While Tom didn't jump at the chance to make a moral case for purchase guarantees, we worked in the concept under farmers. (I also added affected rural communities under the menu)

(2) Treasury believes the state settlement plus a) 55 cents b) accelerated excise tax and c) FDA we will cut youth smoking in half. However, I left this point out because of Bruce's concern we couldn't have it both ways (downplay the tax amount and still say we're meeting our goal). Treasury believes the state settlement plus the other price increases will reduce youth smoking by 30 percent (this includes a very small nonprice effect which rises to 10 percent under our plan when full FDA authority is assumed).

(3) I added more on FDA as suggested -- any comments?

(4) Linda Ricci is on alert we may need to pull the Medicare graph -- she will let me know the drop dead time.

Cynthia A. Rice
01/11/99 03:35:23 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
cc: Thomas L. Freedman/OPD/EOP, J. Eric Gould/OPD/EOP, Cathy R.

Stopping Youth Smoking: Every day, 3,000 children become regular smokers and 1,000 have their lives shortened because of it. Almost 90 percent of adult smokers began smoking by age 18 and today, 4.5 million children aged 12 to 17 -- 37 percent of all high school students -- smoke cigarettes. Tobacco is linked to over 400,000 deaths a year from cancer, respiratory illness, heart disease and other problems. To end this public health crisis, we must have a focused public health effort to reduce youth smoking. The 1998 State Attorneys General Tobacco & state tobacco settlement was an important step in the right direction, as the tobacco industry affirmed its responsibility to pay for health care costs caused by tobacco. but more must be done to protect our children and preserve public health hold the tobacco industry accountable. The Administration is pursuing a two-pronged approach believes a few key additional steps to reduce youth smoking must be taken at the national level:

Raise the price of cigarettes, so fewer young people start to smoke. Public health experts agree that the single most effective way to cut youth smoking is to raise the price of cigarettes. For every 10 cents additional per pack, estimates show that 270,000 fewer teenagers will begin smoking over the next five years and more than 90,000 premature deaths will be avoided as a result. Last year, the President called for an increase of \$1.10 per pack (in constant dollars) to help cut youth smoking in half within five years. This year, we can build on the increases already agreed to between the tobacco companies and the states and those already legislated by the Congress and As a result, we can work with the Congress and, with a single propose an increase of only half this amount. reach the target this year.

The funds that result from this policy will cover tobacco-related health care costs. Each year, the Federal government spends billions of dollars treating tobacco-related diseases -- ~~in~~ for our armed forces, our veterans, and our federal employees others. It is fitting that the tobacco industry reimburse US taxpayers for these costs, just as it has already agreed to do for the states.

Give Reaffirm the Food and Drug Administration's full authority to keep cigarettes out of the hands of children and support critical public health efforts to prevent youth smoking. The Administration will again propose legislation that confirms the FDA's authority to regulate tobacco products: to halt advertising targeted at children, and to make sure that cigarettes are not sold to them. To help curb youth access to tobacco products and support tobacco prevention programs in states and local communities, the Administration's budget will double the funding for the Food and Drug Administration's tobacco budget to \$68 million and increase funding for the Centers for Disease Control's tobacco control efforts by one-third, from \$73 to \$100 million. Moreover, the Administration will continue to support measures to hold the tobacco industry accountable for reducing youth smoking.

Protect farmers and farming communities. The Administration is committed to working with all parties to protect tobacco farmers and their communities, and will monitor closely on-going efforts by the states and private industry should additional actions be needed.

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

In addition to these Medicaid costs, tobacco-related health problems have cost the Medicare program billions of dollars over the last three decades. To recover these losses, the U.S. Department of Justice intends to bring suit against the tobacco industry, and the new FY 2000 budget will contain \$20 million to pay for the necessary legal costs. All recoveries will be used to preserve and protect Medicare for future generations.

~~Tobacco is linked to over 400,000 deaths a year from cancer, respiratory illness, heart disease, and other health problems. Each year, a million young people become regular smokers, 300,000 of whom will die earlier as a result. The budget includes \$61 million of additional funds for tobacco-related activities in the CDC and the FDA—\$27 million of which will pay for expanding CDC's existing State-based tobacco prevention activities, and \$34 million of which will support FDA's outreach and enforcement activities.~~

Stopping Youth Smoking: Every day, 3,000 children become regular smokers and 1,000 have their lives shortened because of it. Almost 90 percent of adult smokers began smoking by age 18 and today, 4.5 million children aged 12 to 17 -- 37 percent of all high school students -- smoke cigarettes. Tobacco is linked to over 400,000 deaths a year from cancer, respiratory illness, heart disease and other problems. To end this public health crisis, we must have a focused public health effort to reduce youth smoking. The 1998 State Attorneys General Tobacco & state tobacco settlement was an important step in the right direction, as the tobacco industry affirmed its responsibility to pay for health care costs caused by tobacco. but more must be done to protect our children and preserve public health hold the tobacco industry accountable. The Administration is pursuing a two-pronged approach believes a few key additional steps to reduce youth smoking must be taken at the national level:

Raise the price of cigarettes, so fewer young people start to smoke. Public health experts agree that the single most effective way to cut youth smoking is to raise the price of cigarettes:—
~~For every 10 cents additional per pack, estimates show that 270,000 fewer teenagers will begin smoking over the next five years—and more than 90,000 premature deaths will be avoided as a result.~~ Last year, the President called for an increase of \$1.10 per pack (in constant dollars) to help cut youth smoking ~~in half within five years.~~ This year, we can build on the increases already agreed to between the tobacco companies and the states and those already legislated by the Congress and As a result, we can work with the Congress and, with a single propose an increase of only half this amount. —reach the target this year.

The funds that result from this policy will cover tobacco-related health care costs. Each year, the Federal government spends billions of dollars treating tobacco-related diseases --~~in~~ for our armed forces, our veterans, and our federal employees ~~others.~~ It is fitting that the tobacco industry reimburse US taxpayers for these costs, just as it has already agreed to do for the states.

Give Reaffirm the Food and Drug Administration's full authority to keep cigarettes out of the hands of children. The Administration will again propose legislation that confirms the FDA's authority to regulate tobacco products in order to halt advertising targeted at children, and to curb minors' access to tobacco products.—make sure that cigarettes are not sold to them. While the state settlement limits tobacco advertising, it still allows certain marketing practices targeted at children, including newspaper and magazine advertising and retail signs near schools. Moreover, only by reaffirming FDA's authority can Congress ensure that America's children are protected from the next generation of tobacco industry marketing. We should take this matter out of the courts and ensure that the FDA -- the nation's leading health consumer protection agency, providing oversight over food, drugs, and medical devices -- has full authority to protect our children from tobacco.

Support critical public health efforts to prevent youth smoking. To help support tobacco prevention programs in states and local communities, the Administration's budget will double the funding for the Food and Drug Administration's tobacco budget to \$68 million and

increase funding for the Centers for Disease Control's tobacco control efforts by one-third, from \$73 to \$100 million. In addition, the Administration will continue to support measures to hold the tobacco industry accountable for reducing youth smoking.

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

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

In addition to these Medicaid costs, tobacco-related health problems have cost the Medicare program billions of dollars over the last three decades. To recover these losses, the U.S. Department of Justice intends to bring suit against the tobacco industry, and the new FY 2000 budget will contain \$20 million to pay for necessary legal costs. All recoveries will be used to preserve and protect Medicare for future generations.

~~Tobacco is linked to over 400,000 deaths a year from cancer, respiratory illness, heart disease, and other health problems. Each year, a million young people become regular smokers, 300,000 of whom will die earlier as a result. The budget includes \$61 million of additional funds for tobacco related activities in the CDC and the FDA \$27 million of which will pay for expanding CDC's existing State based tobacco prevention activities, and \$34 million of which will support FDA's outreach and enforcement activities.~~

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 11-JAN-1999 18:29:56.00

SUBJECT: Clinic Safety

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

READ: UNKNOWN

TEXT:

We are ready to go. Paper is done, groups are fine, etc. We are looking for some support in the law enforcement community too.

A thought about whether we should do this as a leak or in the State of the Union. I think if the President talks about this in the State of the Union it will be much more difficult to get this done in appropriations. I think I'd therefore prefer a leak. Also, next week is the anniversary of Roe v. Wade, and I think this becomes more of an abortion message and less of a "domestic terrorism" issue if we do it during that week. Any new thoughts about who we would give this to if we leak it?

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. email	Christopher Edley Jr. to Elena Kagan and Maria Echaveste re: returning your call (1 page)	01/11/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[01/11/1999]

2009-1006-F
bm79

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

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

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

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

RR. Document will be reviewed upon request.

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

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

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. email	Christopher Edley, Jr. to Elena Kagan and Maria Echaveste re: Notice of Visiting Appointments (1 page)	01/11/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[01/11/1999]

2009-1006-F
bm79

RESTRICTION CODES

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

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

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

CREATION DATE/TIME:11-JAN-1999 19:36:05.00

SUBJECT: Over the top

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

READ:UNKNOWN

CC: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP [WHO])

READ:UNKNOWN

TEXT:

Wow. That was perhaps a bit over the top. Take 15 percent off of that,
please!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JAN-1999 20:16:35.00

SUBJECT: Thank you

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

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

CC: Jessica L. Gibson (CN=Jessica L. Gibson/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

TEXT:

Thanks for taking the time today to brief our Leg. Affairs professional staff on policy highlights in the State of the Union. This will be very helpful to us as we plan further outreach and amplification on the Hill. Thanks again. Janet.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa G. Green (CN=Melissa G. Green/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-JAN-1999 23:46:12.00

SUBJECT: Edley Memo

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Gene gave Jon Orszag and Ceci Rouse the outline of the memo he wants to write. They are going to produce it by tomorrow afternoon and get Gene's sign off by tomorrow evening. Then NEC and DPC can combine if that is what you want to do Elena. Phil is this timing okay? Let me know if you have any concerns. Thanks