

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 046 - FOLDER -011**

**[03/10/1999]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Melissa Grenn to Elena Kagan and Laura Emmett; RE: Sally's address (1 page)	03/10/1999	Personal Misfile
002. email	Amy Weiss to Elena Kagan; RE: Radio & TV Dinner (1 page)	03/10/1999	Personal Misfile
003. email	Charles Konigsberg to Ruth Eaglin, et al; RE: third party privacy (2 pages)	03/10/1999	P6/b(6)

**COLLECTION:**

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

**FOLDER TITLE:**

[03/10/1999]

2009-1006-F  
db1586

### 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]
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- 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: "Christopher F. Edley, Jr." <edley@law.harvard.edu> ( "Christopher F. Edley

CREATION DATE/TIME:10-MAR-1999 07:47:26.00

SUBJECT:

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

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

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

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

TEXT:

This is perhaps a bit Quixotic, but I implore you to read the material below on teacher testing. It is a wonderful illustration of the implementation politics surrounding testing.

>Date: Mon, 8 Mar 1999 16:30:23 -0500

>Subject: the teacher test (fwd)

>Sender: orfielga@HUGSE1.HARVARD.EDU

>From: orfielga@HUGSE1.HARVARD.EDU

>To: edley@law.harvard.edu

>Reply-To: orfielga@HUGSE1.HARVARD.EDU

>

>--- Begin Forwarded Message ---

>Date: Mon, 08 Mar 1999 15:27:21 -0500 (EST)

>

>Message sent Bcc to Teacher Test list.

>

>----- Forwarded message -----

>Date: Mon, 08 Mar 1999 13:34:48 -0500

>From: Paul Karoff <pkaroff@lesley.edu>

>

>Clark,

> I found this information extraordinary, even though I thought there was

>nothing else about the Mass. Teacher Test that could surprise me. It

>explains why 69 has proven to be the most frequently-occurring failing

>score among our students. I read the email just before heading to a meeting

>this morning on a different topic with Rep. Hal Lane, House chair of the

>legislature's Education Committee. He was quite interested and asked me to

>share the letter with him, which I did.

>

>-Paul Karoff

>Lesley College

>

>

>At 09:58 AM 3/8/99 -0500, you wrote:

>>Message sent Bcc to Teacher Test list

>>

>>This message was sent to Walt Haney a week or so ago. I have removed the  
>>person's name, but I am in contact with her. She is willing to talk to  
>>the press if needed.

>>

>> Dear Professor Walter Haney:

>>

>> Recently, a copy of the Boston Globe article, "Teacher Test  
Called

>>Unfair and Unreliable," was sent to me by a family member living in  
>>Pittsfield, MA. After reading the article, I knew that my discussions  
>>with the Office of Testing and the Office of the Commissioner of  
Education

>>would interest you and your study.

>> As a frame of reference, I am a certified elementary  
teacher in

>>the state of New Jersey. I teach K - 8 computers and I am my school's  
>>Technology Coordinator. I graduated from XXXXXX University in 1994 with  
>>degrees in Political Science and Communications. For three years, I  
>>worked in research management. During the last year and a half I  
returned

>>to school in the evenings to complete XXXX University's Post-  
>>Baccalaureate program in Elementary Education. In February of 1997, I  
took

>>the three main sections of the National Teacher's exam and received  
scores

>>that passed in every state that required one or more of these tests.

>>(General Knowledge - 673, Communication Skills - 673, Professional  
>>Knowledge - 674) Last May I completed the certification program with a  
>>4.0 average.

>>

>> Last October 3rd, I took the Massachusetts Teacher Test  
in the

>>hopes of moving back to the area in which I was raised. On the  
elementary

>>test I scored an 80. In the reading subtest, I scored and 89 and in the  
>>writing subtest I scored a 69. To say I was surprised would be mild. I  
>>contacted an aunt in Pittsfield, who has some connections in education,  
>>and asked if she knew anyone I could call to question these results.

>>Unfortunately, my scores were not the most shocking part of the last few  
>>months. My aunt gave me the number for David Driscoll. The  
conversations

>>with his staff and the staff at the testing office left me speechless.

>>

>> On 11/23/98, I spoke with David Driscoll's office and was told  
>>they have no information or input regarding the tests. Dr. Driscoll's  
>>secretary transferred me to a woman in the Office of Teacher Testing  
>>regarding the results of my scores. After explaining the situation, I  
was

>>told that "Although the score on the writing test are not consistent with  
>>your other scores from this or other tests, there are three possible  
>>reasons for the grade of 69."

>>

>> First, I was asked if I had written an introductory,  
middle and

>>concluding paragraph. I explained that I had written 4 paragraphs, one  
>>which was an introductory and one which was a conclusion. I was then  
told

>>that if I had exceeded the 250 word limit or if I was under the 150 word  
>>minimum that I would have been automatically failed. She continued by  
>>reading that the test clearly states, "The essay should be approximately  
>>between 150 and 250 words in length."

>>

>> Finally, I was told the third and most appalling reason for  
>>failing. "If the level of the vocabulary or word difficulty used  
>>exceeded  
>>the average standard set forth by the state testing department, then that  
>>would mean, to the graders, that you had taken the ideas from another  
>>source, that you had previously read, either that day or on another day.  
>>And that the use of long or more challenging words eliminated the  
>>possibility that the thoughts could have been original."

>>

>> At this point, I was angered and insulted. On 12/1/98, I  
>>contacted Dr. Driscoll's office and again relayed the conversation to  
>>his  
>>secretary. I was put on hold and then transferred to Ms. Joy Simon, at  
>>the Office of Testing. Ms. Simon identified herself as a supervisor and  
>>asked me to relate my concerns. I discussed point by point each of the  
>>three items and after each item, I was told that those were the correct  
>>possible reasons. Ms. Simon also said that a grade of 69 denotes  
>>automatic failure, therefore those were the only possible reasons. I  
>>questioned the validity of the third reason, vocabulary choice, and I was  
>>again told that "... high level vocabulary use allowed the graders to  
>>easily eliminate plagiarized thoughts." I was so angry at having my  
>>level  
>>of intelligence insulted, I hung up.

>>

>> I do not know what type of teachers the schools of  
>>Massachusetts  
>>are looking for, but from my conversations, I would guess they are  
>>focused  
>>on finding average people. I hope the information I have sent is in some  
>>way helpful to your study. Please contact me if you need further  
>>information. I would also be interested to know any further developments  
>>as a result of your work.

>>

Thank you!

>>

>>

>>

>>

>>

>>

>>

>>

>>

>--- End Forwarded Message ---

>

>

>-----

>Gary Orfield  
>Professor of Education & Social Policy  
>Harvard University  
>Gutman 442  
>6 Appian Way  
>Cambridge, MA 02138  
>  
>Gary\_Orfield@harvard.edu  
>617-496-4824  
>617-496-3095 (fax)

>495-9139 (assistant, Suenita Lawrence)  
>496-6367 Civil Rights Project Office  
>  
>  
>  
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>

Professor Christopher Edley, Jr.  
Harvard Law School,  
Cambridge MA 02138  
(617)-495-4614; (f) 496-5156

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Melissa Grenn to Elena Kagan and Laura Emmett; RE: Sally's address (1 page)	03/10/1999	Personal Misfile

**COLLECTION:**

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

**FOLDER TITLE:**

[03/10/1999]

2009-1006-F  
db1586

**RESTRICTION CODES**

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:10-MAR-1999 09:10:53.00

SUBJECT: REVISED HSE FLOOR SAP: ED-FLEX

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

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

TO: Tanya E. Martin ( CN=Tanya E. Martin/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN

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

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

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

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

CC: Janet R. Forsgren ( CN=Janet R. Forsgren/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: Constance J. Bowers ( CN=Constance J. Bowers/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TEXT:

ACCORDING TO BRODERICK JOHNSON, THE SENTENCE THAT HAS BEEN ADDED TO THE HOUSE FLOOR SAP FOR ED-FLEX (AT END OF SAP) HAS BEEN APPROVED BY BRUCE REED , MIKE COHEN, AND SCOTT FLEMING. PLEASE LET ME KNOW IMMEDIATELY IF YOU HAVE ANY CONCERNS - I NEED TO SEND THE SAP WITHIN THE HOUR - FLOOR ACTION AT 10AM. THANK YOU.

H.R. 800 - Education Flexibility Partnership Act of 1999  
(Rep.Castle (R) DE and 65 cosponsors)

The Administration supports House passage of H.R. 800, which would expand the Ed-Flex demonstration authority to permit all States that meet the eligibility criteria to waive certain statutory and regulatory requirements of Federal education programs. The Administration has long supported the concept of expanding ed-flex demonstration authority in a manner that will promote high standards and accountability for results, coupled with increased flexibility for States and local school districts to achieve those results.

The Administration is pleased with the amendments made by the House Committee on Education and the Workforce to sunset the bill upon reauthorization of the Elementary and Secondary Education Act of 1965 (to ensure consistency between that statute and Ed-Flex), terminate local waivers if achievement levels decline, and require public notice and comment before waivers are requested and granted.

The Administration strongly supports an amendment that is expected to be offered to H.R. 800 that would implement the President's proposal for a long-term extension of the one-year authority to help school districts reduce class size in the early grades, which the Congress approved last year on a bipartisan basis. In order to hire qualified teachers, arrange for additional classrooms, and take other steps that are necessary to reduce class size, school districts need to know, as soon as possible, that the Congress intends to support this initiative for more than one year.

The Administration also supports amendments designed to further strengthen accountability for results in the Ed-Flex program, and to ensure that Federal education dollars continue to reach the students they were designed to serve.

\* \* \* \* \*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan H. Schnur ( CN=Jonathan H. Schnur/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:10-MAR-1999 09:27:08.00

SUBJECT: REVISED HSE FLOOR SAP: ED-FLEX

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:

OMB says Bruce signed off on the last sentence. I just wanted to make sure this is right.

----- Forwarded by Jonathan H. Schnur/OPD/EOP on 03/10/99  
09:28 AM -----

Kate P. Donovan  
03/10/99 09:11:11 AM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Constance J. Bowers/OMB/EOP @ EOP, Janet R. Forsgren/OMB/EOP @ EOP  
Subject: REVISED HSE FLOOR SAP: ED-FLEX

ACCORDING TO BRODERICK JOHNSON, THE SENTENCE THAT HAS BEEN ADDED TO THE HOUSE FLOOR SAP FOR ED-FLEX (AT END OF SAP) HAS BEEN APPROVED BY BRUCE REED, MIKE COHEN, AND SCOTT FLEMING. PLEASE LET ME KNOW IMMEDIATELY IF YOU HAVE ANY CONCERNS - I NEED TO SEND THE SAP WITHIN THE HOUR - FLOOR ACTION AT 10AM. THANK YOU.

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The Administration also supports amendments designed to further strengthen accountability for results in the Ed-Flex program, and to ensure that Federal education dollars continue to reach the students they were designed to serve.

\* \* \* \* \*

Message Sent

To:

- 
- Jonathan H. Schnur/OPD/EOP @ EOP
  - Tanya E. Martin/OPD/EOP @ EOP
  - Elena Kagan/OPD/EOP @ EOP
  - Laura Emmett/WHO/EOP @ EOP
  - Barbara Chow/OMB/EOP @ EOP
  - Sandra Yamin/OMB/EOP @ EOP
  - Charles Konigsberg/OMB/EOP @ EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman ( CN=Karin Kullman/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:11-MAR-1999 10:26:36.00

SUBJECT: Radio Address Schedule

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

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

TO: Elena Kagan ( CN=Elena Kagan/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: Cathy R. Mays ( CN=Cathy R. Mays/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:

Here are the times for tomorrow's radio address briefing and taping:

8:45am	Briefing
9:00am	Oval Office Dining Room
9:00am	Radio Address Taping
9:25am	Oval Office

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Constance J. Bowers ( CN=Constance J. Bowers/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:10-MAR-1999 10:56:18.00

SUBJECT: LRM CJB20 - - EDUCATION Draft Bill on Public Choice and Innovation (Magnet

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

TO: Janet R. Forsgren ( CN=Janet R. Forsgren/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

TO: Pamula L. Simms ( CN=Pamula L. Simms/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

TO: Daniel I. Werfel ( CN=Daniel I. Werfel/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

TO: William H. White Jr. ( CN=William H. White Jr./OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

TO: Tanya E. Martin ( CN=Tanya E. Martin/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN

TO: Wei-Min C. Wang ( CN=Wei-Min C. Wang/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

TO: Robert G. Damus ( CN=Robert G. Damus/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

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

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

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

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

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

TO: justice.lrm ( justice.lrm @ usdoj.gov @ inet [ UNKNOWN ] ) (OA)  
READ:UNKNOWN

TEXT:

To follow is ED's draft language on equity provisions of the ESEA  
Reauthoziation. Please provide comments by:  
12:00 noon, Monday, March 15, 1999

Note: If you are unable to access these files, please let me know. This  
material is not being faxed to you.

[click here for draft bill text:](#)

[click here for draft sectional analysis text:](#)

----- Forwarded by Constance J. Bowers/OMB/EOP on  
03/10/99 10:38 AM -----  
LRM ID: CJB20  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Wednesday, March 10, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below  
FROM: Janet R. Forsgren (for) Assistant Director for Legislative  
Reference  
OMB CONTACT: Constance J. Bowers  
PHONE: (202)395-3803 FAX: (202)395-6148  
SUBJECT: EDUCATION Draft Bill on Public Choice and Innovation  
(Magnet Schools, Charter Schools, and Choice Schools provisions) parts of

the Elementary and Secondary Education Act Reauthorization (Parts of Title V, ESEA)

DEADLINE: 12:00 noon Monday, March 15, 1999  
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Because of the magnitude of ED's draft bill to reauthorize the Elementary and Secondary Education Act, circulation and interagency review will be handled in separate pieces.

DISTRIBUTION LIST

AGENCIES:  
61-JUSTICE - Dennis Burke - (202) 514-2141

- EOP:
- Barbara Chow
- Sandra Yamin
- Barry White
- Wayne Upshaw
- Leslie S. Mustain
- Wei-Min C. Wang
- Jonathan H. Schnur
- Tanya E. Martin
- Elena Kagan
- Broderick Johnson
- William H. White Jr.
- Lynn G. Cutler
- Janet Murguia
- Daniel J. Chenok
- Daniel I. Werfel
- Robert G. Damus
- Rosalyn J. Rettman
- Peter Rundlet
- Pamula L. Simms
- Howard Dendurent
- Shelly A. McAllister
- Jeffrey L. Farrow
- Janet R. Forsgren
- James J. Jukes

LRM ID: CJB20 SUBJECT: EDUCATION Draft Bill on Public Choice and Innovation (Magnet Schools, Charter Schools, and Choice Schools provisions) parts of the Elementary and Secondary Education Act Reauthorization (Parts of Title V, ESEA)

RESPONSE TO  
LEGISLATIVE REFERRAL  
MEMORANDUM

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:



Automated Records Management System  
Hex-Dump Conversion

**Draft 3/9/99**

**TITLE V B PROMOTING EQUITY, EXCELLENCE, AND PUBLIC SCHOOL  
CHOICE**

Section-by-Section Analysis

Among other things, new title V of [NAME OF BILL] would: (1) improve the Magnet Schools Assistance program by adding emphasis on projects that consider the diversity of the student populations and that have the capacity to continue after the Federal grant has run out; (2) move Charter Schools, from Part C of Title X of the ESEA, to Part B of Title V of the ESEA; (3) add a new initiative, Public Choice School, that would provide a flexible authority to support State and local educational agencies in experimenting with different kinds of public elementary and secondary schools, such as worksite and College-based schools; (4) reauthorize the Woman=s Educational Equity program, but move it to Part [-] of the Title V of the ESEA; and (5) repeal the Assistance to Address School Dropout Problems program, currently in Part C of Title V of the ESEA. Each of the new title V programs would be reauthorized for five years. **[THERE ARE LIKELY TO BE OTHER PROGRAMS REAUTHORIZED, LIKE FIE, THAT WILL GO INTO THIS TITLE.]**

Magnet School Assistance:

Section 501. Section 501 of the bill, ARenaming the Title,@ would change the name of title V of the ESEA to APromoting Equity, Excellence, and Public School Choice@.

Section 502. Section 502 of the bill would amend Part A , the AMagnet School Assistance Program,@ of Title V of the ESEA. Section 502 (a) of the bill would make editorial changes to, and update, section 5101 of the ESEA, the findings for the Magnet School Assistance Program.

Section 502(b) of the bill would amend section 5102(3) of the ESEA, AStatement of Purpose,@ to clarify that the purpose of providing financial assistance to develop and design innovative educational methods and practices is to promote diversity and increase choices in public elementary and secondary schools and educational programs.

Section 502(c) of the bill would amend section 5106(b)(1)(D) of the ESEA, AInformation and Assurances@ (a part of the application requirements), to eliminate reference to the Goals 2000: Educate America Act and to correct a section number.

Section 502(d) of the bill would amend section 5107 of the ESEA, APriority,@ to eliminate the current priorities for greatest need and new, or significantly revised, projects. These priorities are not well defined and have not helped to determine which grant applications are most deserving. Section 502(d) would also add a new priority for projects that propose activities, which may include professional development, that will build local capacity to operate the magnet program once Federal assistance has ended.

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Section 502(e) of the bill would amend section 5108(a) of the ESEA, AUses of Funds,@ to: (1) revise paragraph (3) to allow for the payment , or subsidization of the compensation, of elementary and secondary school teachers who are certified or licensed by the State, and instructional staff who have expertise and professional skills necessary for the conduct of programs in magnet schools or a baccalaureate degree, an equivalent degree, or who demonstrate knowledge, experience, or skills in the relevant field of expertise; and (2) allow grantees to use funds for activities, including professional development, that will build the applicant=s capacity to operate the magnet program once Federal assistance has ended.

Section 502(f) of the bill would repeal section 5111 of the ESEA, AInnovative Programs@. This program is limited by the requirements of Part A; its activities are subsumed under the new Public School Choice program.

Section 502(g) of the bill would redesignate current section 5112 of the ESEA, AEvaluation, Technical Assistance, and Dissemination@, as section 5111, and incorporate its requirements into a new section, ANational Activities@, that would authorize the Secretary to reserve not more than five percent (rather than two percent) of appropriated funds in any fiscal year to evaluate the program, as well as provide technical assistance to applicants and grantees and collect and disseminate information on successful magnet school programs. Section 502(g) of the bill would also require each evaluation, in addition to current items, to address the extent to which magnet school programs continue once grant assistance under this part ends.

Section 502(h) of the bill would amend section 5113(a) of the ESEA, AAuthorization@, to authorize such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to be appropriated to carry out the part. Section 501(h) of the bill would also redesignate section 5113 as section 5112.

Assistance to Address School Dropout Problems: [FINAL SPECIFICATIONS FOR SECTION 503(a) HAVE NOT BEEN RECEIVED; REPEAL IS ANTICIPATED.]

Woman=s Educational Equity Act of 1994: [FINAL SPECIFICATIONS FOR SECTION 503(b) HAVE NOT BEEN RECEIVED; REAUTHORIZATION AND MINOR UPDATING OF THE PROGRAM IS ANTICIPATED.]

Redesignation of the Public Charter Schools Program:

Section 503(c) of the bill would redesignate the Public Charter Schools Program, which is currently Part C of Title X of the ESEA, as Part B of title V of the ESEA. Section 502(c) would also make necessary conforming changes to carry out the redesignation.

Public School Choice Program:

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Section 504 of the bill would amend title V of the ESEA to add a new Part C, A Public School Choice Program, that would authorize a flexible, competitive grant program to help State and local agencies provide innovative, high-quality public school choice programs.

New section 5301 of the ESEA would set forth the findings of the new part and state that its purpose is to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, evaluation of, and dissemination of information about public school choice projects that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

New section 5302(a) of the ESEA would authorize the Secretary, from funds appropriated under section 5305(a) and not reserved under section 5305(b), to make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice. New section 5301(b) of the ESEA would prohibit grants under this part from exceeding three years.

New section 5303(a) of the ESEA would authorize funds under the part to be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to broaden public school choice. Examples of such approaches at the school, district, and State levels would be: (1) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools; (2) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions; (3) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit; (4) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' place of employment; and (5) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

New section 5303(b) of the ESEA would require that funds under this part: (1) supplement, and not supplant, non-federal funds expended for existing programs; (2) not be used for transportation; and (3) not be used to fund projects that are specifically authorized under Parts A and B of this title.

New section 5304(a) of the ESEA would require a State or local educational agency desiring to receive a grant under this part to submit an application to the Secretary, in such form and containing such information, as the Secretary may require. Each application would be required to include: (1) a description of the program for which funds are sought and the goals for such program; (2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-federal projects; (3) if the program includes partners, the name of each partner and a description of its responsibilities; (4) a description of the policies and procedures the applicant will use to ensure its

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accountability for results, including its goals and performance indicators, and that the program is open and accessible to, and will promote high-academic standards for, all students. The Secretary would be authorized to give special consideration to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

New section 5305(a) of the ESEA would authorize such sums as may be necessary for each of the fiscal years 2001 through 2001 to be appropriated to carry out the part. Section 5305(b) of the ESEA would, from amounts appropriated for any fiscal year, authorize the Secretary to reserve not more than five percent to carry out evaluations, provide technical assistance, and disseminate information. Section 5305(c) would authorize the Secretary to use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part. Those evaluations would, at a minimum, address: (1) how and the extent to which the programs supported with funds under the part promote educational equity and excellence; and (2) the extent to which public schools of choice supported with funds under the part are held accountable to the public, effective in improving public education, and open and accessible to all students.

###

**Draft 3/9/99**

**TITLE V B PROMOTING EQUITY, EXCELLENCE, AND PUBLIC SCHOOL CHOICE**

**RENAMING THE TITLE**

SEC. 501. The heading for Title V of the ESEA is amended to read as follows:

ATITLE V -- PUBLIC SCHOOL CHOICE AND INNOVATION@.

**[THE NUMBER AND ORDER OF PROGRAMS UNDER THIS TITLE HAS NOT YET BEEN DETERMINED]**

**AMENDMENTS TO THE MAGNET SCHOOLS ASSISTANCE PROGRAM**

SEC. 502. (a) FINDINGS. Section 5101 of the ESEA is amended to read as follows:

**AFINDINGS**

ASEC. 5101. The Congress finds as follows:

A(1) Magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools.

A(2) It is in the national interest to desegregate and diversify those schools in our Nation that are racially, economically, linguistically, or ethnically segregated. Such segregation exists between minority and non-minority students as well as among students of different minority groups.

A(3) Desegregation can help increase rates of high school graduation and college attendance, and can promote better occupational prospects for students who have attended integrated schools.

A(4) Desegregation can provide students with valuable experience that prepares them to function in a diverse society and can help break down longstanding patterns of racial isolation in adult social relationships.

A(5) Despite ongoing desegregation efforts in the Nation --

A(A) almost one-third of our elementary and secondary schools continue to be schools with 50 percent or more minority students;

A(B) more than two-thirds of minority students attend schools with 50 percent or more minority students, and almost half of minority students attend schools with 75 percent or more minority students;

A(C) almost one-third of non-minority students attend schools with less than 10 percent minority students;

A(D) almost one-quarter of Black students attend schools with 90 percent or more Black students; and

A(E) almost one-third of Hispanic students attend schools with 75 percent or more Hispanic students.

A(6) Local educational agencies= use of magnet schools has increased dramatically since the of enactment of the Magnet Schools Assistance program, thus increasing public school options for the approximately two million students nationwide now attending such schools, of which more than 65 percent of the students are minority.

A(7) Magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts.

A(8) In administering the Magnet Schools Assistance program, the Federal Government has learned that--

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A(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of--

A(i) magnet school students from other students in the school; and

A(ii) students by racial characteristics;

A(B) local educational agencies can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if they have more flexibility in the administration of the program in order to serve students attending a school who are not enrolled in the magnet program;

A(C) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that those school do not serve only the highest-achieving students;

A(D) consistent with desegregation guidelines, local educational agencies must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate;

A(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue operating magnet schools at a high level of performance; and

A(F) magnet schools and interdistrict magnet programs have provided poor and minority students opportunities to succeed academically and continue with college or productive employment.

A(9) It is in the best interest of the Federal Government to--

A(A) continue Federal support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of their education;

A(B) help ensure that all students have equitable access to high-quality education that will prepare them to function well in a culturally diverse, technologically oriented, and highly competitive global community; and

A(C) help maximize the ability of local educational agencies to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform. @.

(b) PURPOSE. Section 5102(3) of the ESEA is amended to read as follows:

A(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary and secondary schools and educational programs; and @.

(c) APPLICATION REQUIREMENTS. Section 5106(b)(1)(D) of the ESEA is amended by--

(1) striking out Aunder this Act, the Goals 2000: Educate America Act, @ and inserting in lieu thereof Aunder this Act, @; and

(2) striking out Asection 14306 @ and inserting in lieu thereof Asection 14307 @.

(d) PRIORITY. Section 5107 of the ESEA is amendedC

(1) by striking out paragraphs (1) and (5);

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and

(3) by adding a new paragraph (4) to read as follows:

A(4) propose activities, which may include professional development, that will build local

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capacity to operate the magnet program once Federal assistance has ended. @.

(e) USES OF FUNDS. Section 5108(a) of the ESEA is amended C

(1) by amending paragraph (3) to read as follows:

"(3) for the payment , or subsidization of the compensation, of--

"(A) elementary and secondary school teachers who are certified or licensed by the State; and

"(B) instructional staff who have--

"(i) expertise and professional skills necessary for the conduct of programs in magnet schools; or

"(ii) a baccalaureate degree, an equivalent degree, or who demonstrate knowledge, experience, or skills in the relevant field of expertise;";

(2) in paragraph (4), by striking out the period and inserting in lieu thereof a semicolon and Aand@; and

(3) by adding a new paragraph (5) to read as follows:

A(5) for activities, which may include professional development, that will build the applicant=s capacity to operate the magnet program once Federal assistance has ended. @ .

(f) REPEAL. Section 5111 of the ESEA is repealed.

(g) EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION. Section 5112 of the ESEA is C

(1) redesignated as section 5111; and

(2) amended, as redesignated, to read as follows:

EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION

ASEC. 5111. The Secretary may reserve not more than five percent of the funds appropriated under section 5112(a) for any fiscal year C

A(1) for evaluations of magnet school programs assisted under this part, which, at a minimum, shall address C

A(A) how, and the extent to which, magnet school programs lead to high educational quality and improvement;

A(B) the extent to which magnet school programs enhance student access to high-quality education;

A(C) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

A(D) the extent to which magnet school programs differ from other school programs in terms of organizational characteristics and resource allocations; and

A(E) the extent to which magnet school programs continue once grant assistance under this part ends;

A(2) to provide technical assistance to applicants and grantees; and

A(3) to collect and disseminate information on successful magnet school programs. @.

(h) AUTHORIZATION OF APPROPRIATIONS.--(1) Section 5113(a) of the ESEA is amended to read as follows C

A(a) AUTHORIZATION.--(1) For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years. @.

(2) Section 5113 of the ESEA, as amended by paragraph (1), is redesignated as section 5112.

REPEAL AND REDESIGNATIONS

**[CROSS REFERENCES DUE TO CHANGES WILL HAVE TO BE ADDED LATER]**

SEC. 503 (a) REPEAL. Part C of Title V of the ESEA is repealed.

(b) REDESIGNATION OF THE WOMAN=S EDUCATIONAL EQUITY PROGRAM.

(1) Part B of Title V of the ESEA is redesignated as Part D.

(2) Sections 5201 through 5208 of the ESEA are redesignated as sections 5401 through 5408, respectively.

(3) Section 5408, so redesignated, is amended to read as follows:

AAUTHORIZATION OF APPROPRIATIONS

ASEC. 5408. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years, of which not less than two-thirds of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 5403(b)(1).@. **[WEA UNFINISHED, UPDATES AND MINOR PROGRAM CHANGES ARE ANTICIPATED.]**

(c) REDESIGNATION OF THE PUBLIC CHARTER SCHOOLS PROGRAM.

(1) Part C of Title X of the ESEA is redesignated as Part B of title V of the ESEA.

(2) The heading for Part C of Title X of the ESEA is amended to read as follows:

APART B -- PUBLIC CHARTER SCHOOLS@.

(2) Sections 10301 through 10311 of the ESEA are redesignated as sections 5201 through 5211 of title V of the ESEA, respectively.

PUBLIC SCHOOL CHOICE PROGRAM

SEC. 504 Title V of the ESEA is further amended by adding a new Part C to read as follows:

APART C-- PUBLIC SCHOOL CHOICE PROGRAM

AFINDINGS; PURPOSE

ASEC. 5301. (a) FINDINGS. The Congress finds that--

A(1) a wide variety of educational opportunities and options in public school system is needed to help all children achieve to high standards;

A(2) high-quality public school choice programs that are genuinely open and accessible to all students (including poor, minority, limited English proficient, and disabled students) broaden educational opportunities and promote excellence in education;

A(3) current research shows that--

A(A) students learn in different ways, benefiting from different teaching methods and instructional settings; and

A(B) family involvement in a child=s education (such as helping choose what courses to take) is a key factor supporting student achievement;

A(4) public school systems have begun to develop a variety of innovative programs that offer expanded choices to parents and students; and

A(5) the Federal Government should support and expand on these efforts to give students and parents the high-quality public school choices they seek, to help eliminate barriers to effective public school choice, and to disseminate the lessons learned from high-quality choice programs so that all public schools can benefit from these efforts.

A(b) PURPOSE. It is the purpose of this part to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, evaluation of, and dissemination of information about, public school

choice projects that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

#### AGRANTS

ASEC. 5302. (a) IN GENERAL. From funds appropriated under section 5305(a) and not reserved under section 5305(b), the Secretary shall make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice.

A(b) DURATION. Grants under this part shall not exceed three years.

#### AUSES OF FUNDS

ASEC. 5303. (a) USES OF FUNDS. (1) Funds under this part may be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to broaden public school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and development of public school choice systems that promote high standards for all students and the continuous improvement of all public schools.

A(2) Examples of such approaches at the school, district, and State levels areC

A(A) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;

A(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions; and

A(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

A(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents= place of employment; and

A(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

A(b) LIMITATIONS. Funds under this part shall--

A(1) supplement, and not supplant, non-federal funds expended for existing programs;

A(2) not be used for transportation; and

A(3) not be used to fund projects that are specifically authorized under Parts A and B of this title.

#### AGRANT APPLICATION; PREFERENCES

"SEC. 5304. (a) APPLICATION REQUIRED. A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary, in such form and containing such information, as the Secretary may require.

"(b) APPLICATION CONTENTS. Each application shall includeC

"(1) a description of the program for which funds are sought and the goals for such program;

"(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-federal projects;

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"(3) if the program includes partners, the name of each partner and a description of its responsibilities;

A(4) a description of the policies and procedures the applicant will use to ensure--

A(A) its accountability for results, including its goals and performance indicators;

and

A(B) that the program is open and accessible to, and will promote high-academic standards for, all students.

A(c) SPECIAL CONSIDERATION. The Secretary is authorized to give special consideration to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5305. (a) AUTHORIZATION OF APPROPRIATION. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(b) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION. From the amount appropriated under subsection (a) for any fiscal year, the Secretary may reserve not more than five percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.

A(c) EVALUATIONS. The Secretary may use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part, which shall, at a minimum, addressC

A(1) how and the extent to which the programs supported with funds under this part promote educational equity and excellence; and

A(2) the extent to which public schools of choice supported with funds under this part areC

A(A) held accountable to the public;

A(B) effective in improving public education; and

A(C) open and accessible to all students.@.

###

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ellen M. Lovell ( CN=Ellen M. Lovell/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:10-MAR-1999 12:28:47.00

SUBJECT: White House Millennium Council Higher Education Conference - March 11, 199

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

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

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

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

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

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

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

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

TEXT:

Attached, please find information on the White House Millennium Council Higher Education Conference taking place in the Old Executive Office Building tomorrow, March 11 from 8:30am-4:30pm.

We will have 75 college presidents, provosts, and deans at this conference to discuss how to share their arts and humanities faculty with their surrounding communities. We have partnered with the University of Michigan on this millennium project which is entitled "Imagining America: Artists and Scholars in Public Life." The idea is to overcome traditional "town-gown" separations, and to promote the notion of faculty as community resources.

I have attached an agenda, participants list and 1 page outline of this project and conference. Please feel free to call me or Josefina Velasco on my staff at x57109 if you have any questions or would like additional information.



**DRAFT**  
**WHITE HOUSE MILLENNIUM COUNCIL HIGHER EDUCATION INITIATIVE**  
**“Imagining America: Artists and Scholars in Public Life”**  
**(1999-2004)**

**Program Description:**

*“Imagining America: Artists and Scholars in Public Life”* is a millennium higher education initiative to support and celebrate the ways in which university artists and humanists do important civic work by placing arts and humanities faculty members in community settings where they work closely with citizens on arts projects and inquiries using the disciplines of the humanities.

Activities under this initiative have been organized into three program areas:

- project grants for university-public partnerships;
- programs involving the design and planning of places; and,
- major artist residencies aimed at making and producing new work about the shared world of the university and the region.

National conferences, grants and communications components will also be developed.

**Partners:**

The White House Millennium Council  
The National Woodrow Wilson Fellowship Foundation  
University of Michigan (and a consortium of colleges and universities, chaired by University of Michigan President Lee C. Bollinger)

Administration of the initiative will be housed at the University of Michigan and coordinated through the Office of the Vice President for Research.

**Audience:**

Public schools  
Local governments  
Public institutions (such as libraries and museums)  
Cultural organizations

These may include the following participants: undergraduates, K-12 teachers and students, cultural leaders in communities and regions, and other citizens engaged by public art and public humanities programs.

**Initial Funding:**

- Individual colleges and universities: University presidents are being asked to commit funds to support projects on each of their campuses. Thirty colleges and universities have already pledge support and resources for projects at their individual institutions.
- The Woodrow Wilson Fellowship Foundation has agreed to administer a competitive national grant program for partnerships between a university or a college-based artist or humanist and a co-investigator who will be a teacher, artist, or community leader.
- Other sources of funding will be sought to expand the number of projects that can be funded at a national level.

**Imagining America Conference - Washington, DC**

Thursday, March 11, 1999

8:00-3:30pm

Room 450, Old Executive Office Building

The purpose of the conference is to enlist the attending institutions in creating their own "Imagining America" millennium projects. Participants of the conference will include:

- University presidents
- Federal agencies
- Foundations
- Individual scholars and artists

Lee Bollinger, President of the University of Michigan, Robert Weisbuch, President of the Woodrow Wilson National Fellowship Foundation and Ellen McCulloch-Lovell, Director of the White House Millennium Council will co-chair the conference. For more information on the initiative and conference, the University of Michigan has set up the following webpage:

[www.research.umich.edu/research/events/ImaginingAmerica.html](http://www.research.umich.edu/research/events/ImaginingAmerica.html)

**Background:**

In 1997-98, The University of Michigan sponsored YoHA -- the Year of Humanities and Arts, a catalytic endeavor involving several experimental programs. One of the most successful pilot programs is called "The Arts of Citizenship." This program fulfills one of the fundamental goals of YoHA: to focus on the relationship between culture and place by bringing the University's many constituencies, including neighboring communities, into significant contact with one another. In April 1998, Mrs. Clinton gave a speech at the University of Michigan as the culminating event of YoHA. Ellen McCulloch-Lovell, Director of the White House Millennium Council, accompanied Mrs. Clinton on the occasion of this speech. Lee C. Bollinger, Nancy E. Cantor and Robert Weisbuch invited Mrs. McCulloch-Lovell to talk about how the spirit and goals of the YoHA Arts of Citizenship Program could be expanded into a national higher-education initiative linked to the White House Millennium Program. The culmination of this conversation and many that followed is the "Imagining America: Artists and Scholars in Public Life" Initiative.

**Imagining America: Artists and Scholars in Public Life**

**March 11, 1999  
Room 450, OEOB  
Washington, DC**

**AGENDA**

- 8:00am Coffee and Continental Breakfast**
- 8:30-9:45am Greetings and Welcoming Remarks by Co-Hosts:**
- President Lee C. Bollinger, University of Michigan  
Ms. Ellen McCulloch Lovell, Director, White House Millennium Council  
President Robert Weisbuch, National Woodrow Wilson Fellowship  
Foundation
- Speakers:**
- Chairman William Ferris, National Endowment for the Humanities  
Chairman William Ivey, National Endowment for the Arts  
Secretary Richard Riley, U.S. Department of Education
- 9:45-10:15am Break**
- A display of materials about community-campus partnerships in arts, humanities, and design will be on view*
- 10:15-11:00am College and University Presidents' Panel**
- Presidents explore the role of the arts, the humanities and design in shaping "the engaged university"*
- moderator: President Lee C. Bollinger, University of Michigan
- panelists:  
President Richard Levin, Yale University  
President Claire Gaudiani, Connecticut College  
President David Ward, University of Madison-Wisconsin  
President James Stukel, University of Illinois  
Chancellor David Ward, University of Wisconsin-Madison  
President Richard Levin, Yale University  
President John DiBiaggio, Tufts University  
President Alan Merten, George Mason University  
President Walt Harrison, University of Hartford]
- 11:00-11:45am Questions and Answers**
- 11:45-12:00pm Public Benefits of the Arts and Humanities: Expanding the Vision**

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***This session will explore the ways state humanities councils and state arts agencies, their grantees and partners, integrate scholars and scholarship, artists and the arts, into community life.***

Gail Leftwich, Federation of State Humanities Councils  
Jonathan Katz, National Assembly of State Arts Agencies

**12:00-12:15pm Questions and Answers**

Gail Leftwich, Federation of State Humanities Councils  
Jonathan Katz, National Assembly of State Arts Agencies  
**Questions and Answers**

**12:00-12:15pm**

**12:15-1:30pm**

**Lunch - Buffet (no formal program)**  
Indian Treaty Room (Room 474) Old Executive Office Building

**1:30-2:15pm**

**Best Practices Panel and Discussion**

***Practitioners of campus-community cultural work share their views on what succeeds and why***

Moderator: David Scobey, Arts of Citizenship Program, University of Michigan  
Panelist:  
Liz Lerman, Liz Lerman Dance Exchange, Takoma Park, Maryland  
Dolores Hayden, Inner Cities and Outer Cities Project, Yale University  
Robert Hass, River of Words, University of California at Berkeley  
Baraka Sele, New Jersey Performing Arts Center

**2:15-3:00pm**

**Questions and Answers**

**3:00-3:30pm**

**What's Next? Closing Remarks by Co-Hosts**

***Celebrating initial commitments, outlining the planning process, goals for year one***

**3:30-4:30pm**

**Associations/Foundations Huddle: Strategies for Program-Building**

***A brainstorming session with representatives of foundations and national association. Open to all conference participants***

moderator: Julie Ellison, University of Michigan

**“Imagining America: Artists and Scholars in Public Life”  
Higher Education Conference  
Participants List**

**College/University**

**Brown University**, Provost William Simmons  
**Columbia University**, President George Rupp  
**Connecticut College**, President Claire Gaudiani  
**Cornell University**, Vice President Henrick Kullea  
**Duke University**, Vice President John Burness  
**Emory University**, Dr. Anthony Hirschel  
**George Mason University**, President Alan Merten  
**Howard University**, Mr. Lewis Long, Maybelle Bennett  
**Massachusetts Institute of Technology**, Mr. Paul Parravano  
**Michigan State University**, Mr. Kurt Dewhurst, Dean Wendy Wilkins, Coll. of Arts & Letters  
**Morehouse College**, Dr. Uzee Brown  
**Northwestern University**, Dean Eric Sundquist  
**Oberlin College**, Mr. Daniel Gardner  
**Ohio State University**, Dr. Christian Zacher  
**Rutgers University**, President Francis Lawrence and Dean Barry Qualls  
**Tufts University**, President John DiBiaggio  
**University of California at Los Angeles**, Dean Daniel Neuman  
**University of Hartford**, President Walter Harrison  
**University of Illinois**, President James Stukel  
**University of Illinois at Chicago**, Dean Wim Wiewel  
**University of Iowa**, Vice President David Skorton  
**University of Michigan**, Professor Julie Ellison and Professor Kristin Hass  
**University of Minnesota**, Dr. Tom Trawb  
**University of Oklahoma**, Dr. Kenneth Fuchs  
**University of Pennsylvania**, Professor Wendy Steiner, Ira Harkavy  
**University of Wisconsin-Madison**, Chacellor David Ward, Dr. Robert Skloot, Dr. Walter Secada  
**Yale University**, President Richard Levin and Dean Robert Blocker

**Foundations/Organizations/Federal Agencies**

**Assoc. of Collegiate Schools of Architecture**, Dean Douglas Kelbaugh  
**Association of American Universities**, President Nils Hasselmo  
**Association of Performing Arts Presenters**, Ms. Susie Farr  
**Center for Folklife Programs and Cultural Studies**, Dr. Richard Kurin  
**Consortium of Humanities Centers and Institutes**, Dr. Kathleen Woodward  
**U.S Department of Education**, Secretary Richard Riley, Dr. David Longanecker  
**Doris Duke Charitable Foundation**, Ms. Olga Garay  
**Federation of State Humanities Councils**, President Gail Leftwich and VP Esther Mackintosh  
**Greenfield Village/Henry Ford Museum**, Mr. Steven Hamp

**International Council of Fine Arts Deans**, Ms. Linda Moore  
**National Assembly of State Arts Agencies**, Mr. Johnathan Katz  
**National Commission on Libraries and Information Sciences**, Commissioner Joan Challinor  
and Mr. Robert Willard  
**National Endowment for the Arts**, Chairman William Ivey  
**National Humanities Alliance**, Mr. John Hammer  
**National Museum of American History**, Dr. Spencer Crew  
**Organization of American Historians**, Dr. Arnita Jones  
**University Musical Society**, President Kenneth Fischer  
**W.K. Kellogg Foundation**, Mr. John Burkhardt  
**Woodrow Wilson National Fellowship Foundation**, President Robert Weisbuch

**Individual Scholars/Artists**

University of California at Berkeley, **Mr. Robert Hass**  
Boston University, **Professor Robert Pinsky**  
Cornell University, **Professor Hortense Spillers**  
Harvard University, **Professor Henry Gates**  
Howard University, **Dean Orlando Taylor**  
Liz Lerman dance Exchange, **Ms. Liz Lerman**  
New Jersey Performing Arts Center, Ms. Baraka Sele  
Pratt Inst. Center for Comm. & Environmental Development, **Professor Ron Shiffman**  
University of Michigan, **Professor David Scobey**  
University of Pennsylvania, **Professor Anne Spirn**  
Yale University, **Professor Dolores Hayden**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 12:35:09.00

SUBJECT:

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

CC: William H. White Jr. ( CN=William H. White Jr./OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Iowa AG Tom Miller is calling to check on status of his idea to determine/negotiate the Medicaid share of the tobacco settlement. You guys were going to get DOJ to review this. Tom has pushed the idea with other AGs so when they come here on the 23- 25th of march it will come up.

Did you get a DOJ response? Thanks.

Speaking of the AGs, we will host a WH briefing on the afternoon of the 25th. I would REALLY like Bruce or Elena to do a piece on tobacco. The VP times are unsettled but the window is 2 to 4.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kevin S. Moran ( CN=Kevin S. Moran/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:10-MAR-1999 12:42:02.00

SUBJECT: DAILY REPORT: Two spider monkeys a parrot and flying molten lava

TO: Peter Rundlet ( CN=Peter Rundlet/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Katharine Button ( CN=Katharine Button/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: Mindy E. Myers ( CN=Mindy E. Myers/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: Melissa G. Green ( CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Minyon Moore ( CN=Minyon Moore/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: Thurgood Marshall Jr ( CN=Thurgood Marshall Jr/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: Ruby Shamir ( CN=Ruby Shamir/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Jeffrey M. Smith ( CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [ OSTP ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Heather M. Riley ( CN=Heather M. Riley/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: Neal Lane ( CN=Neal Lane/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

TEXT:

According to one of my secret sources, in Guatamala, a must-do is the volcano Pacaya located two hours drive from Antigua. It is at its most active in the past 10 years and the US\$5 tour from Antigua is apparently fantastic. You leave at 2pm and return by 10pm. To see molten lava flying through the air at night from 100 yards is like nothing else, according to those who have taken the risk. (Definitely not a tour that would be offered in the USA!) Finca Ixabel on the road to Tikal is also supposed to be good. It's a farm run by an American woman whose husband was murdered by the army a few years ago and it is a great place to relax with her two spider monkeys and parrot. The food is unreal and it offers several comfortable places to hang out.

According to another of my secret sources, information for today's Daily Report must be submitted by 4:00 pm.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan H. Schnur ( CN=Jonathan H. Schnur/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:10-MAR-1999 13:36:18.00

SUBJECT: FYI: update on Senate debate

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

READ:UNKNOWN

TO: Tanya E. Martin ( CN=Tanya E. Martin/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:

On the floor, Frist and Kennedy just said that they may be close to a time agreement. The cloture vote has been delayed until 2pm to give time for further discussions. I don't have details, but will let you know when I do.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Charles F. Ruff ( CN=Charles F. Ruff/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:10-MAR-1999 13:44:52.00

SUBJECT: Friday

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

READ:UNKNOWN

TO: Minyon Moore ( CN=Minyon M

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 13:51:10.00

SUBJECT: OPM recommendations on comparable worth study

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Attached is OPM's analysis regarding implementing comparable worth for the federal government. They do not recommend it because they are currently in the process of revamping the federal compensation system and a comparable worth analysis would delay that process. Rather, they suggest a Presidential directive to OPM to consider pay equity issues in the design of the new compensation system.

----- Forwarded by Mary L. Smith/OPD/EOP on 03/10/99  
01:46 PM -----

MASTRAND @ OPM.GOV  
03/10/99 12:29:08 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP

cc:

Subject: OPM recommendations on comparable worth study

- COMP\_REC.WPD

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D80]MAIL48879547F.036 to ASCII,  
The following is a HEX DUMP:

FF575043030D0000010A02010000000205000000BD2F0000000200000B653242688043B7675055  
B5B961895787F8C8BD7CDC30FAEE674E400221AF1D86AE03D12E195A3EFE14AC30374CF44070CC  
8BDF0D1954CFFC289E3E42742E1696261A20092E4C4855DF0370DB71F664645BB5F2AD3ED463BF  
B0C76FC80727D1154E2A1F4C366DDDD8F7D2B35CEF4EF6F5F0F5D11E0DC857C7ACEF7EF49008D4  
FFBC8648CD28E3EB6AF1B752D42DDA77A3EA5DF96F8D6664E7E2356DA911BFD8FDF9B275C12D55

## **Feasibility of OPM Conducting a Comparable Worth Study for the Federal Government**

### **1. What would conducting a comparable worth study entail?**

Typical activities include: (1) collecting general information about wage gaps; (2) examining the compensation of job classes; (3) locating sex-bias within classification/compensation systems; and (4) determining the magnitude of sex-bias. Studies usually involve both a consulting firm and in-house staff.

### **2. Who would probably be involved in conducting the study?**

- Steering Committee.
- In-house Federal employees (OPM, major agencies, etc.)
- Outside Consultants.

### **3. What is the possible maximum scope of the study?**

As of September 1998, the 1.8 million nonpostal Executive Branch employees were paid under 129 different pay plans administered by 25 different agencies. (The 129 pay plans can be grouped into over 60 "pay systems.")

### **4. What policy issues would affect the cost?**

- Deciding on a precise goal or goals for the study.
- Determining what pay systems will be included in the study.
- Deciding how jobs and/or job incumbents will be selected for study.
- Deciding what general type of job evaluation will be used, and within each category, what particular system seems most appropriate.
- Determining what analytic technique will be used to interpret the study results.

### **5. How long to we estimate it would take?**

We estimate it would take between 18 months to 2 years to complete a study.

- State-conducted studies generally took 18 months or less to complete.
- Experts recommend that pay equity studies be conducted quickly, preferably less than 18 months.
- Longer studies can result in documentation for jobs analyzed early in the process becoming out of date before the study is completed.

**6. Based on state government study costs, how much do we estimate a Federal government study cost**

- Average Cost \$9,778,000 (range--\$3,640,000 to 17,714,000)
- Costs can vary substantially based on the scope and complexity of the study.

**NOTES:**

1. State study costs were aged to reflect 1999 dollars. The Consumer Price Index-All Urban Consumers (CPI-U) for January 1985 (105.5) and for January 1999 (164.3) were used to calculate a multiplier. This multiplier (1.5573459) was then used to adjust the cost of each study (using a January 1985 common date).
2. Federal Government cost projections (4) were estimated using the ratio between the number of employees for each individual state and the Federal Government (based on 1995 data). Average cost reflects the average of the four cost projections. Cost range reflects the lowest and the higher cost projections.

**7. OPM recommendations**

OPM does not recommend undertaking a comparable worth study in the Federal government at this time.

- Past studies on pay equity in the Federal government have found no clear evidence that any major systemic problems exist.
- OPM is in the process of conducting a total review and revamping of the current Federal compensation system to achieve a modernized performance-oriented system of total compensation. The target date for completion is the year 2002. It would not make sense to conduct a 2-year comparable worth study on a compensation system which will likely be completely changed by the time the study is completed.
- OPM's FY 2000 budget request does not include the approximately \$10 million dollars it would cost to undertake this study.

➤ OPM, instead, recommends that the President direct us to include a review of comparable worth, and an assurance of gender equity, in the design of the Federal government's new compensation system. (Specific language can be worked out if this proposal is accepted.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 14:46:18.00

SUBJECT: Helms v. Picard

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

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

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

TEXT:

Seth Waxman just called to fill me in on where he is on this Establishment Clause case that I sent you materials on a few days ago. He wants to decide whether to file a petition for cert nby early next week and would like our views. I will ask Ora to set up a meeting for the three of us.



Draft 3-07-99

## Part IV: The Opportunity We Deserve

### 6. Creating Opportunities for Native Americans

#### INTRODUCTION

In 1994, I held a historic meeting at the White House with American Indian and Alaska Native tribal leaders from the over 500 federally recognized tribes. I was the first sitting President to do so. I hope I will not be the last. Native Americans occupy a special place spiritually, culturally, and historically in America. These people harvested the earth, swam in the rivers, and enjoyed the bounty across this beautiful land we now call America. Our ancestors oppressed and brutalized these people, deprived them of their lands, and denied them opportunities. But they could not break their spirit. In 1998, I had the pleasure of hosting a White House conference on economic development in Indian country. There I met a young man named Dominic Ortiz from the Prairie Band Potawatomi Nation who attended one of the tribal colleges and has his own business selling American Indian jewelry. Dominic embodies the entrepreneurial spirit upon which this country was built. Just as Dominic created his own future, we must embark on a new era where Native Americans determine their own future through their own acts and decisions.

\*

Before Europeans landed on America's shores, Indian nations were self-governing societies with remarkable scientific, artistic, and cultural achievements. American Indians and Alaska Natives are much more than colorful characters in our Nation's distant past, however. The 554 federally-recognized tribal governments are a permanent part of the political structure of our Nation. Since the founding of our nation, the United States has recognized many Indian tribes as "domestic dependent nations" with sovereign powers over their members and territory and has entered into numerous treaties with various tribes pledging protection and guaranteeing tribal self-government. This is why American Indians are not simply another minority or racial grouping.

In 1831, Chief Justice John Marshall stated that the "Federal Indian relationship is characterized by peculiar and cardinal distinctions that exist no where else."<sup>1</sup> Marshall was referring to the special trust relationship that has existed between the United States and Indian tribes since the birth of our nation. **It is manifested in treaties, agreements, court decisions, statutes, executive orders, and in the overall course of dealings between the federal and tribal governments. These Executive, Legislative, and Judicial actions charge the United States Government with legal and moral obligations of the highest responsibility and trust toward Indian Tribes. Under federal law, the United States has a legally enforceable fiduciary responsibility to protect tribal lands, assets, resources, treaty rights as well as a**

**general obligation to fulfill the mandates of federal laws with respect to American Indians and Alaska Natives.**

Regrettably, our nation has not always lived up to these legal and moral ideals. Between 1778 and 1871, when the last treaty was signed, Indian tribes ceded almost one billion acres of land to the United States. In return, Indians generally retained inalienable and tax-exempt lands for themselves, and the Federal government pledged to provide such public services as law enforcement, education, medical care, and technical and agricultural training. All too frequently, these solemn promises made to the tribes have been broken. Our failure to invest sufficient resources to meet these obligations has hindered the social and economic advancement of Native Americans and has produced economic conditions on many reservations more analogous to those of third-world nations than of communities in America's heartland.

We are living in a time of great prosperity and hope. Our economy is the strongest in a generation. For the first time in three decades, the budget is balanced. There are nearly 18 million new jobs, wages are rising at more than twice the rate of inflation, home ownership is at its highest rate in history, and unemployment is at its lowest in almost thirty years.<sup>ii</sup>

For many Native Americans, the picture is quite different. The stark beauty of the vast plains of the Pine Ridge Reservation in South Dakota contrasts with the harsh existence of the people who live there. There is no poorer place in America. Housing is scarce, overcrowded, and often lacking indoor plumbing, electricity, or telephones. There is no industry, no factories, and no technology. Two of every three adults living on the reservation are out of work.<sup>iii</sup> The average life expectancy for the Oglala Sioux men who live there is 56.5 years, and for women, it is 66 years.<sup>iv</sup> Similar conditions exist on reservations across our nation where the lack of paved roads, access to electrical power, telephone lines, and other physical infrastructure serve as major barriers to economic development.

We must bear in mind, however, that our nation often has pursued policies that have undermined the capacity of tribal governments to advance the social, economic, and institutional development of tribal communities. As well-intended as these policies may have been in the minds of those promoting them, efforts to coerce the assimilation of Native Americans served largely to weaken and destabilize the very institutions best-suited to serve the community -- tribal governments. The time has come to break decisively with the past and stop trying to impose conditions on tribes. As reflected in my executive order on tribal consultation, we must work with tribes on a government-to-government basis, recognizing their ability to steer their own course and set their own priorities.

Economic and business development is clearly a top priority in virtually every tribal community. Even though **economic conditions in Indian country have improved in recent years, American Indian and Alaska Native communities continue to lag behind the rest of the United States with respect to social, economic, and educational attainment levels. Income levels of American Indians and Alaska Natives are substantially below those of all**

**other Americans, and about 34 percent continue to live below the poverty level. In comparison, the national poverty level is about 14 percent.<sup>v</sup> Complicating factors such as geographical isolation, under developed infrastructures, and demographics, add to the challenges confronting tribes as they work toward a better standard of living and quality of life for tribal peoples.**

As the new millennium dawns, there is reason to be hopeful, however. A small, but significant number of tribes have succeeded in reducing poverty and unemployment through the aggressive pursuit of new economic activities. Tribal gaming operations have produced the most dramatic success stories. What began with a handful of tribal bingo halls in the early 1980s has grown into an estimated \$6 billion a year for the one-third of the Nation's 554 tribes that operate some form of gaming.<sup>vi</sup> The revenues from gaming have allowed some tribes to pursue aggressive economic development strategies such as starting new business enterprises, investing in infrastructure, and building concert halls, sports arenas, and golf courses. Gaming tribes are viewing the revenues from gaming as the key to improving the lives of each of its members as well as enriching the entire community.

As lucrative as it has been for some tribes, gaming is not a panacea for every tribe. Only \_\_\_ tribes have established gaming, and of those, only \_\_\_ tribes earn significant profits. Revenues from the development of natural resources such as timber, minerals, and oil and gas remain by far the largest source of income for tribal governments, and farming and ranching continues as a way of life for many reservations residents. On the other hand, the mere fact that numerous tribes have achieved a significant, sometimes dramatic, measure of success appears to have stimulated a growing sense of optimism throughout Indian Country.

Finally, while it is difficult for those in poor, minority communities to secure business loans or mortgages, in Indian Country, it is virtually impossible. Conventional approaches to resolving this situation are problematic on reservations and other Indian trust lands because of the peculiar legal status of such lands, particularly in the case of mortgages. Reservation land is owned by the federal government and held in trust on behalf of tribes. This trust status and legal protection is extremely important from the perspective of Indian landowners, but there are trade-offs. Banks are extremely reluctant to make loans without collateral or the ability to foreclose on a property in the event of a default. To extend the availability of loans for homes on Indian trust lands without breaching the trust doctrine, the Departments of Housing and Urban Development, Agriculture, and Veteran's Affairs have authority to issue government-insured loans. The process, however, is complex and time-consuming requiring coordination between at least two separate federal agencies.

**I believe that every American should have the opportunity to own their own home. That is why as part of the first-ever White House Conference, Building Economic Self-Determination in Indian Communities," I announced that a One-Stop Mortgage Center Initiative to streamline lending procedures and coordinate federal agencies involved in providing mortgages on reservations.**

Automated Records Management System  
Hex-Dump Conversion

\*

One of the keys to economic development is education. Education provides a solid foundation for succeeding later in life. It is critically important that American Indian and Alaska Native students receive the same educational opportunities that are available to other students as these children are the future for their tribes and their communities. The Native American population is young -- thirty-nine percent of the American Indian population was under 20 years old in 1990, compared with 29 percent of the Nation's total population.<sup>vii</sup> We must ensure that these future generations, descendants of the great warriors such as Sitting Bull and Crazy Horse, are able to forge successful lives, whether on or off the reservation.

Elementary and secondary education is normally thought of as the domain of state governments, but, out of this trust responsibility, the United States is responsible for two school systems, one serving the children of military personnel and the other serving the children of tribal communities. Of the 185 BIA-funded elementary and secondary schools on reservations today, two-thirds of the buildings are over 30 years old, and more than a quarter are over 50 years old.<sup>viii</sup>

I have made education one of the top priorities of my Administration. I have challenged the public schools of this country to hire better teachers, to become more accountable, to fund school construction to fix crumbling buildings, and to wire every classroom to the Internet. These same challenges are even more apparent for the BIA-funded schools. With buildings crumbling and decaying, it is nearly impossible to wire these classrooms to 21st century technology. It would be a grave injustice to fail these children to whom we have a special obligation to prepare for the future. For this reason, I have proposed substantial increases in funding for school construction and repair for these schools.

Although we must work to improve the BIA-funded schools, we must also work to ensure that the public school system serves American Indian children. Just as in the rest of the population, almost 90 percent of American Indian children attend state public schools, while only about 10 percent attend the BIA-funded schools.<sup>ix</sup> These children face unique challenges. Over 50 percent of American Indian fourth-graders scored below the basic level in reading and mathematics.<sup>x</sup>

We cannot concentrate only on improving elementary and secondary education for Native American students. We must make a college education a reality for each and every American Indian child. Less than two-thirds of Native Americans are high school graduates compared with 75 percent of the rest of the population, and less than 10 percent of Native Americans have bachelor's degrees compared with 20 percent of the total population.<sup>xi</sup> I have fully supported this country's 31 **check** tribal colleges. These institutions, located directly in Indian communities, provide the chance for a college education to students who do not have the funds to attend more expensive private schools or the means to leave their families behind to attend schools that are hours away. The American Indian Higher Education Consortium reports that of

the 42 percent of tribal college graduates who transfer to a mainstream institution, 90 percent obtain bachelor's degrees. Other studies show that only 30 percent of Native Americans who enter mainstream institutions as freshman graduate.<sup>xii</sup>

Finally, the cultures of American Indian tribes is a rich part of the heritage of this country. The maintaining of Native languages and cultures is critical. Yet, there is an alarming decline in the use of Native languages indigenous to the United States. In 1969, there were 300 separate languages still being spoken. In 1996, that number had dropped to 206.<sup>xiii</sup>

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Competing images of reservations usually come to mind: either the dusty roads and ramshackle buildings which are home to the poverty- and disease-stricken people who live there or the vast beauty of blue-sky country juxtaposed with snow-capped mountains, grassy plains, or orange-hued canyons. Between these two extremes lies a more complicated reality. Just as the blight is being tempered with signs of a burgeoning economic renaissance, the natural beauty of many reservations camouflages an ever-worsening crime problem. Inner-city, minority communities have gotten most of the media attention for their gun violence and murder rates. While the population density fuels incidents of violence in inner cities, the very vastness and remoteness of many reservations also facilitates crimes.

Although violent crime has been declining nationally for several years, it has been on the rise in Indian country. Recently, the Department of Justice, in its first comprehensive analysis of Indians and crime, reported that American Indians are victims of violent crimes at more than twice the rate of the rest of the country.<sup>xiv</sup> In contrast to the rest of the country, where nine out of every ten murders involve victims and offenders of the same race,<sup>xv</sup> about seven in ten violent victimizations of American Indians involved an offender who was of a different race. Use of alcohol was a major factor in violent crimes involving American Indians. American Indian victims reported a drinking offender in 46 percent of all violent victimizations, such as rape, sexual assaults, robberies, and other assaults, about 70 percent of jailed American Indians convicted for violence reported that they had been drinking at the time of the offense.<sup>xvi</sup>

Gangs are no longer only the province of inner cities. Youth gangs are becoming more prevalent in Indian country. While some of the conditions which lead to gangs elsewhere such as extreme and pervasive poverty, lack of role models, and limited opportunities probably overlap, we should explore why this disturbing condition is becoming more and more prevalent.

Indian communities often have other unique law enforcement problems. While soaring homicide rates have shortened life expectancy for black men in urban areas, the death toll on reservations often results from motor vehicle accidents and suicides. Suicide is the ninth leading cause of death of American Indians nationwide.<sup>xvii</sup> Car crashes are the third leading cause of death on Indian reservations, and alcohol is often involved.<sup>xviii</sup>

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Part of the problem is clearly a lack of police officers and other law enforcement resources. While there are 2.9 police officers per 1,000 citizens in non-Indian communities with populations of less than 10,000, there are only 1.3 officers per 1,000 citizens on Indian reservations.<sup>xix</sup> There are only 1,600 BIA police and uniformed tribal officers patrolling 56 million acres of Indian lands in the lower 48 states, protecting more than 1.4 million residents. By contrast, 3,600 police officers protect the 540,000 residents of our Nation's capital on \_\_\_\_\_ acres.<sup>xx</sup> In addition, departments often are so woefully under funded that patrol cars are most likely to be 10 years old, with the odometer showing more than the 60,000 miles that federal regulations say should be the maximum. Most Indian police are armed with old six-shot revolvers instead of the semiautomatic weapons that most other police departments have, and most officers do not have bullet-proof vests.

However, a large part of the problem is the geographic isolation and the vastness of the area to be covered. Many officers must drive hundreds and hundreds of miles to assist other officers. The Navajo Nation alone is 26,500 square miles. It is incomprehensible that a police officer must venture alone, out manned and outgunned, into an immense wilderness, not knowing whether this day of duty will be his last. Like many others in poor, minority communities, many American Indians have lost faith in the criminal justice system. There is a perception that the federal government has turned its back on helping to protect these communities.

In order to make Indian people feel safe in their homes and in their communities and to restore some trust and confidence in law enforcement, I have made law enforcement in Indian country a priority. Since 1995, the Justice Department's Office of Community Oriented Policing Services has awarded \$67,787,443 through 395 grants to 187 Indian tribes and Alaska Native villages. These grants have funded the salary and benefits for 906 police officers in Indian Country. In 1997, I directed the Attorney General and the Secretary of the Interior to collaborate on a plan for a new organizational structure for Indian law enforcement that streamlines budgeting and identifies manpower needs. In addition, I asked Congress for a significant increase in funding for law enforcement and public safety in Indian Country, including funds for new tribal police, detention facilities, juvenile justice programs, and tribal courts, as well as additional FBI agents and Bureau of Indian Affairs officers, so that we might dramatically improve public safety in Indian Country.

In this first year of the Interior and Justice Departments' joint law enforcement initiative, we will significantly increase federal law enforcement resources in Indian Country, through deployment of 30 additional FBI agents, 32 new BIA criminal investigators, and over 200 new BIA police officers, detention officers, and radio dispatchers. In addition, through the COPS program, we will give tribal government a flexible menu of options so that they can meet their areas of greatest need by hiring new, fully trained and equipped community police officers or by equipping and training the officers that they currently have. While significantly increasing the number of law enforcement officials in Indian Country, we will also make certain that our focus remains on saving tribal youth from becoming involved in the criminal justice system through

prevention programs, especially those that focus on alcohol and drugs.

In the balance of this chapter, I offer a work plan which focuses on three important issues for American Indians: education, economic development, and crime. I will first propose how the federal government can provide leadership on each of these issues and then will outline how the entire nation working together can make progress in each of these areas.

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**Centerpieces of the Federal Work plan:  
(1) Comprehensive Educational Mentoring and Record Tracking  
for Native American Students**

For many years, the federal government has focused its efforts on Indian education primarily in the areas of funding and operating the 185? BIA schools and providing Impact Aid to school districts where a large portion of their tax based is comprised of trust land which is tax-exempt. We have made some progress. In keeping with the stated policy of tribal self-determination and self-governance, more than \_\_\_ of the BIA-funded schools are now owned or operated by Tribes. **Check** However, there is much work left to do.

Education has been one of the touchstones of my Administration. I have fought to improve the education of this Nation's children by improving their reading and math, lowering class size, recruiting outstanding new teachers, ending social promotion, and providing accountability for failing schools. In setting forth initiatives to accomplish each of these goals, I have sought to ensure that Native American students benefit from these reforms. I fought to help local school districts hire 100,000 well-prepared teachers in order to reduce class size in grades 1-3 to a national average of 18, and make sure that every child gets a solid foundation in the basics. Studies show that smaller classes help teachers provide more personal attention to students helping students learn more and build a stronger foundation in basic skills. In these studies, minority and disadvantaged students showed the largest achievement gains. To ensure that American Indian children in the BIA-funded schools were able to reap the benefit of smaller class sizes, there is a set-aside to target funds in order recruit, hire and train teachers in these schools.

Students cannot learn in buildings where there are crumbling walls, chipping paint, leaky roofs, and inadequate heating systems. School buildings represent the nation's most pressing infrastructure need.<sup>xxi</sup> To address this critical need, I proposed federal tax credits as incentives to help states and school districts to build and renovate public schools, with one-half of the bonding authority allocated to the 100 school districts with the largest number of low-income children. This bonding authority is a powerful tool which permits the leveraging of local resources to build new schools and make much needed repairs to older schools. Traditionally, tribes have been denied this tool in order to repair and replace schools on the reservations. For

the first time, I have proposed bonding authority for tribes with a mechanism to ensure principal repayment. This authority will empower the Tribes to make significant changes in their communities.

I also signed an executive order that is designed to improve the academic performance of American Indian and Alaska Native students in grades K-12. This executive order institutionalizes a process to ensure that there is strategic planning with respect to Native American students. As one of the first activities that grew out of the strategic planning process, I proposed to begin training and recruiting of 1000 new teachers for areas with high concentrations of American Indian and Alaska Native students. This initiative provides financial assistance to individual student, increases capacity building to create programs to train teachers, and allows for continuing education to ensure that the quality of teachers remains high.

While these proposals are a good start, we need to make sure that obtaining a college education becomes a reality for every American Indian student. Only two-thirds of Native American students successfully complete high school --far fewer than other students.<sup>xxii</sup> My Comprehensive Educational Mentoring and Record Tracking for Native American Students seeks to make the dream of a college education a reality for these students:

- There is a unique problem for many Native American students in that they shuttle between the BIA-funded schools and public schools near the reservation. This transferring of schools interrupts the educational process and causes students to keep from advancing at the rate at which they should. Teachers also are not able to adequately assess a particular child's skill levels because part of his or her record is in one school and the rest of it is in one or, in some cases, several other schools. Currently, we do not keep statistics on this phenomenon. I propose that we keep statistics on the number of American Indians students who interrupt their education by transferring between BIA-funded and public school systems. We should also conduct research on the consequences of this activity. Finally, we should seek to construct a system where a complete record of a student's progress is kept in a single location.
- We need to ensure community involvement in the education of American Indian students. An important part of achieving the goal of a college education is ensuring that these students and receive mentoring or tutoring on a regular basis. These tutors could be either older students, senior citizens, or other adults in the community. These students should have mentors that help them as they advance from grade to grade and ensure that they are on track of entering college. This new mentoring program should cooperate with Americorps and the National Senior Service Corps.
- We should seek to preserve Native American culture and language. Just as the tribal colleges construct themselves to reflect tribal culture, a part of this proposal is to create groups of students who are assigned to a tribal elder to help support their educational activities. Without recognizing and preserving their culture, these students often are disenfranchised because they do not have any role models. These elders will serve this

function by providing guidance and a positive influence to students, as well as teach them about tribal history, language, arts, and culture, on their road to a college education.

By keeping tracking of these American Indian students and by providing a two-tier mentoring system, we can vastly improve the chances that these students will be better equipped to obtain a college degree.

## **(2) Model Community Initiative for Encouraging Economic Development**

There is simply no excuse that many communities in Indian country face conditions often worse than many third-world countries. I propose a Model Community Initiative to Encourage Economic Development in Indian Country. The Federal Government's efforts should support and encourage efforts which help American Indians develop their economic infrastructure. This proposal should focus on the following:

- **Creating an Entrepreneurial Culture.** On the dawn of the 21st century, entrepreneurship and small businesses are playing a major role in the restructuring of the U.S. economy and in creating jobs. We must work with Indian country to find ways to capitalize on the strengths of small and medium-sized businesses in order to diversify their economies. We should provide the tools and work with Tribes to nurture home-grown firms, encourage innovation and risk-taking, and enhance investment in new businesses.
- **Providing Access to Capital.** Finding the start-up money for new businesses and new building is a daunting task. I am proud that the Community Development Financial Institutions (CDFI) Fund, which works alongside mainstream institutions in expanding access to capital in low-income communities, has begun several successful activities in Indian Country. For instance, the Fund has invested in First American Credit Union, which provides basic financial services to 15,000 Native Americans throughout Arizona and parts of New Mexico and Utah, helping leverage capital to support small agricultural and Native American craft businesses. The CDFI Fund is also in the process of conducting a study on lending and investment practices on Indian reservations and other land held in trust by the United States. This study will identify barriers to private financing on such lands and identify the impact of such barriers on access to capital and credit for Native American populations. As the result of this study, the Fund will develop an Action Plan to create new incentives for financing in Indian Country. In the meantime, I have made providing equity capital to new markets a priority with my "New Markets Initiative." This initiative will help Indian Country with initiatives such as tax credits, Small Business Investment Companies (SBICs), and BusinessLINC, which helps link larger businesses to smaller firms. Finally, with the Round II of the Empowerment Zones (EZs) and Enterprise Communities (ECs), Indian lands became eligible with the result that one reservation, Pine Ridge, was designated as an EZ and four were designated as Ecs. Under these programs, the federal government provides tax benefits for

businesses, flexible grants to carry out comprehensive revitalization strategies, and the ability to apply for waivers from federal programs enabling local communities to better address their particular needs.

- **Encourage Homeownership.** We must all work together to ensure that the dream of owning of home becomes a reality in Indian Country. HUD, in close cooperation with tribal leaders across the country, is working to create a national housing model called “Shared Visions” to build and renovate affordable housing on tribal lands and to help more Native Americans become homeowners. This model strives to increase the number of affordable, quality homes and to make it easier for Native Americans to obtain mortgages by encouraging private sector partnerships, streamlining federal regulations, and improving coordination among federal agencies and tribes. As part of the project, a nonprofit will be established to provide financial help, low-cost financing, down payment assistance, and homeownership counseling.
- **Invest in Technology Infrastructure.** Many places on reservations do not have telephones, computers, or Internet access. The Department of Commerce is working on a study that will identify the infrastructure technology needs in Indian country and will set forth proposals to address these needs. The federal government, along with Tribes, states, and the private sector, must work together to ensure that reservations are hooked up to information technology and that the infrastructure to support this technology are put in place.

By focusing federal resources on improving economic development in Indian Country through creating an entrepreneurial culture, providing access to capital, encouraging homeownership, and investing in technology infrastructure, we will help tribal governments bring growth and opportunities to Indian Country.

### (3) Tribal-Based Law Enforcement Initiative

**I have worked very hard to find new ways for the federal government to assist local communities in addressing their needs in a comprehensive and effective way. The importance of this effort is nowhere greater than in Indian Country, where the federal government plays a special role due to its trust responsibility to tribal governments. We need to develop federal-tribal-private partnerships that respect tribal sovereignty and preserve traditional Native American culture, while at the same time ensuring that much needed resources are used to improve the quality of life in Indian Country. Nowhere is this need greater than in the area of law enforcement and public safety. A safe community provides the base on which economic development can flourish for all Native Americans.**

Community policing has been the cornerstone of my Administration’s law enforcement initiatives. This model provides a community-based approach to law enforcement, by providing flexibility in identifying problems, and creating a partnership between citizens and law

enforcement. This model fits well with Indian country with each community having unique but overlapping problems with other Indian communities.

A broader vision, however, is necessary to address the needs of tribal communities more comprehensively. I propose the Tribal-Based Law Enforcement Initiative that seeks to implement the idea that comprehensive strategies and coordinated funding are the most effective way for the federal government to assist communities in addressing local problems. There are three primary objectives: (1) to obtain intensive experience in diverse communities about the most effective ways to address their law enforcement problems; (2) to address community problems in a comprehensive way through effective planning and appropriate funding; and (3) to promote inter-tribal exchanges of ideas and experiences, as well to promote coordination among tribes for more efficient use of resources. This initiative should have the following components:

- Through the use of technical assistance, the federal government will work with tribes, on a government-to-government basis, to help them identify the unique law enforcement and public safety problems in their community. Tribes will assess their communities' need and priorities and develop appropriate strategies to address them. Through this process, the communities will develop a comprehensive plan to address law enforcement and public safety concerns.
- The communities will use these plans to apply for law enforcement funds in a new, coordinated process with one application rather than on a piecemeal basis. This will ensure that the communities can maximize the use of federal funding in a coordinated, problem-solving manner. The goal of this project will be to help Indian communities develop comprehensive strategies for improving public safety.
- The project will have an evaluation component and tribes will be encouraged to set performance goals for reducing crime.
- This project should be expanded at successive phases to tie into other agencies besides the Department of Justice. Particularly in Indian communities, a large portion of the crime problems are tied to alcohol and substance abuse. In order to address these problems in a comprehensive way, law enforcement should work in tandem with other federal programs to solve the underlying cause of many of the incidents of crime.

This initiative will empower communities to solve their law enforcement problems at a local level and in a comprehensive manner, and rebuild a sense of confidence in law enforcement in Indian country.

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## **A WORKPLAN FOR THE NATION**

There are many opportunities to improve the lives of Native Americans in the areas of

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education, economic development, and law enforcement if we all work together to build One America. The Nation's efforts should focus on the following goals:

- Eliminate disparities for American Indians in the public school system;
- Seek to preserve the culture of American Indians and Alaska Natives;
- Promote cooperation between the federal government, States, local governments, and the private sector to invest in economic development in Indian country;
- Invest in infrastructure in Indian country, both in technology and through transportation systems; and
- Build cooperation to ensure public safety in Indian communities and provide positive influences for Indian youth to stay out of crime.

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**Eliminate disparities for American Indians in the public school system**

American Indian students attend schools operated by state, federal, and tribal governments. As stated earlier, about 90 percent of American Indian students attend state public schools. Because of this, there is a great opportunity for the states, localities, and tribal governments to work together to ensure that Native American students have equal access to high quality curricula, teachers, classrooms, and materials.

In overcoming the gaps in educational opportunities, several unique factors affecting American Indian students, such as high student mobility rates, high drop out rates, and high teacher turnover rates should be taken into account. Studies have shown that changing schools even once during a school year can have a negative impact on student achievement.<sup>xxiii</sup> Furthermore, schools are often ill-prepared to meet the needs of transfer students because of slow or inadequate student record transfer. These separate educational systems must improve the transfer of records and the sharing of information by developing common databases and utilizing technology. There are also opportunities for intergovernmental regulation of student transfers and the development of memoranda of understanding about common educational issues and concerns.

As noted earlier, most schools are funded largely on local property taxes. Because of a shrinking tax base, many minority communities are able to generate fewer and fewer resources to fund their schools. This problem becomes exacerbated for local public school districts where a large portion of the district is comprised of Indian reservation land that is held in trust by the federal government and cannot be taxed by state or local governments. The Impact Aid program seeks to remedy this problem by providing federal funding to redress the negative impact of the loss of a taxable base. My Administration has fully supported the Impact Aid program, and we

should continue to do so in order to ensure that public schools serving Native American students stand on an equal footing with other public schools.

While there are unique issues affecting American Indian and Alaska Native students, the goals I laid out earlier apply equally to these students. Let me be clear: we must support Native American families and early learning opportunities; overcome gaps in K-12 educational opportunity; provide for high-quality teachers; ensure access to challenging courses; repair and replace old and dilapidated schools; provide technology and training; end social promotion; and hold all of our students to high expectations. If we do all this, we will have made tremendous strides in ending the disparities that plague too many of this Nation's Native American students.

### **Seek to preserve the culture of American Indians and Alaska Natives**

American Indian children often do not come to school ready to learn. They have often had to face serious health and safety issues. Often they do not have access to early childhood education programs, which are linguistically, culturally, and developmentally appropriate. The Bureau of Indian Affairs funds over 20 ~~check~~ Family and Child Education (FACE) projects, which serves over 1,500 families. The FACE program provides early childhood opportunities for Indian children by targeting preschool children ages 0-5 and their parents. All schools systems must focus on early childhood and pre-school programs so that Indian children are given greater assistance that meets their unique educational needs. These programs should promote school readiness, enhance native language development, and increase the potential for learning among young American Indian and Alaska Native children.

### **Promoting cooperation between the federal government, States, local governments, and the private sector to invest in economic development in Indian country**

We must encourage more cooperation between state, local, and tribal governments. Because of the sovereign status of tribes, states cannot directly tax tribal governments. Along with this lack of ability to directly tax tribes, there is a misperception that Tribes do not contribute to the local economy and that revenues flow from states to tribes, but not in the other direction. One study shows that residents of Indian reservations (approximately 1.24 million persons in over 330,000 households) make approximately \$3.1 billion in annual personal consumption expenditures off the reservation in the local, state, and national economies of which reservations are a part. State governments in proximity to reservations expend approximately \$226 million annually on behalf of reservation residents, while the residents, tribal governments, and businesses on reservations generate \$246 million in annual state tax revenue.<sup>xxiv</sup> From these statistics, it is clear that state and local governments should work in partnerships in tribes to develop economic strategies for entire regions.

### **Invest in infrastructure in Indian country, both in technology and through transportation systems**

Because of their often remote locations, American Indian and Alaska Native communities stand to benefit greatly from the Information Age, yet are in grave danger of being left behind. A recent Department of Commerce study on Internet and computer usage in American shows that, although many more Americans now own computers, minority and low-income households are still far less likely than white and more affluent households to have personal computers or access to the Internet. Even more disturbing, this study reveals that this “digital divide” between households of different races and income levels is growing.<sup>xxv</sup> States, local governments, tribes, the federal government, and the private sector must all work together to ensure that Indian youth have the access to the Information Age in their classrooms and that Indian communities have access for economic development. [talk about transportation]

**Build cooperation to ensure public safety in Indian communities and provide positive influences for Indian youth to stay out of crime**

**Tribal communities are among the youngest population groups in America, and many tribal youth are at risk. The development of youth gangs has been a disturbing trend in Indian Country, and many tribal youth lack for role models and opportunities. It is thus critically important that we develop strategies for creating a more stable environment for tribal youth in both the short and long term.**

**Through the Department of Justice’s “Volunteers for Tribal Youth (VTY)” Program, we will build a federal-tribal partnership project designed to help American Indian tribes enhance or create sustainable community-based volunteer programs aimed at creating positive opportunities for youth and reducing youth and/or gang violence. The Department, working in partnership with 18 federal and national non-profit organizations, will work with tribal communities to identify opportunities for volunteers, including elders, to serve as mentors, tutors, and positive adult role-models for American Indian youth. To that end, this program intends to provide tribal communities with the financial resources, training, technical assistance, organizational guidance, networking assistance, and other resources necessary to create and sustain community-based volunteer programs.**

\* \* \*

**Conclusion**

Tribal communities stand at the threshold of a new era, one filled with the promise of greater prosperity and a higher quality of life. These are crucial years for the future of American Indians and Alaska Natives. This nation must commit itself to supporting tribal and individual efforts to build the foundation for the success of American Indians and Alaska Natives in the coming millenium.

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- i.
  - ii. From 1999 State of the Union, stock language he always uses
  - iii. Washington Post, December 16, 1997.
  - iv. Jon Jeter, Washington Post, December 16, 1997. Statistics from Harvard School of Public Health, epidemiological study.
  - v. Census data or CPS data.
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  - xv. CEA report
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  - xvii. Washington Post, December 16, 1997.
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xxiv. Prepared statement of Robert F. Robinson, President of the Center for Applied Research, Inc., submitted to the U.S. Senate Committee on Indian Affairs, Economic Development Hearing, April , 1998.

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Draft 3/09/99

*Part I - The America We See (American Indian insert)*

Before Europeans arrived on this Nation's shores, American Indians built great civilizations with remarkable scientific, artistic, and cultural achievements. From aspirin, cocoa, and quinine to architecture and government planning, the Indian nations and tribes have made important contributions to our nation. Our Founding Fathers visited the Iroquois confederacy to examine its system of separation of powers in developing our own system of checks and balances.

Although I was aware that my home State of Arkansas was home to a significant but very small population of American Indians, I did not know much about tribal governments before my first Presidential campaign in 1992. The opportunity to visit some of the reservations and discuss issues with tribal leaders prompted me to learn more about the government-to-government relationship that exists between the U.S. government and Indian tribal governments, to seek a better understanding about social and economic conditions in Indian communities, and to explore opportunities to enhance the standard of living for America's tribal peoples. It is this government-to-government relationship and the sovereignty of tribes which distinguishes Native Americans tribes as political groups and not simply racial or ethnic classifications.

I began to understand the importance of tribal self-determination to positive social and economic growth and to formulate the policies that I believed would provide the greatest support for tribal objectives. I believed that federal agencies should consult with tribes prior to taking actions that affect tribal interests. I also felt strongly that the right of Native Americans to the free exercise of religion must be secured. On April 29, 1994, I became the first President since James Monroe, the fifth U.S. President, to invite the leaders of every tribe to a meeting at the White House. That afternoon, I signed two Executive memoranda: one to facilitate the process through which tribal members may gain access to eagle feathers for religious purposes and the other directing federal agencies to consult with tribes prior to taking actions that affect tribal rights and interests. In May 1998, I signed an executive order which strengthens the federal government's commitment to consulting with tribes.

The special political relationship between tribal governments and the United States arises from Article I, Section 8 of the Constitution where the Framers of the Constitution crafted a legal and political niche within which the internal autonomy and political authority of tribes would continue to be recognized. In interpreting Article I, Section 8 of the Constitution, Chief Justice Marshall noted that "the relationship of tribes to the United States is unlike that of any other two people in existence marked by cardinal and peculiar distinctions." Marshall characterized tribes as domestic dependent nations, at once possessing attributes of sovereignty and yet dependent upon the protection of the United States. Justice Marshall also recognized that there is a federal Indian trust responsibility under which the United States has assumed certain legal and moral obligations in relation to American Indian and Alaska Native tribes.

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Treaties were used extensively by the European states as a means fostering peace, formalizing diplomatic relations, and conducting transactions with the Tribes from first contact. The Tribal Nations of the New World were a formidable political and military force, and treaties of peace and friendship were powerful tools for fostering trade and commerce. The newly formed U.S. continued to negotiate treaties with the Indian nations until 1871 when Congress ended treaty making with Indian tribes. Sadly, we know that our nation has not always honored our commitments to Native Americans. From 1887 to 1934, Indian tribes lost almost 100 million acres of reservation lands.

Though deeply rooted in the Constitution, the right of tribal self-government has frequently been challenged throughout our nation's history. From the earliest days of the republic, there have been two competing views about Indian policy. At one extreme is the view that tribal existence is inconsistent with fundamental American values. Proponents of this view believe that Indian people should be assimilated into the larger society as quickly and thoroughly as possible. At the other extreme is the view that tribal existence can be maintained only in isolation from the larger society. What proponents of either view fail to recognize is that tribal government is wholly compatible with, and is indeed a part of, our Constitutional framework.

The existence of tribal governments is particularly suitable to the political structure and underlying principles and values of our nation, balancing the distribution of governmental power among separate sovereigns forming a single union. Such structure readily accommodates inclusion of tribal governments both philosophically and practically. While distinctly different from states in many respects, tribal governments possess the kinds of powers typically associated with state governments. Such powers include the authority to make and enforce civil and criminal laws; to levy taxes; to establish membership criteria; and to license and regulate activities. Although tribes possess both the right and the power to regulate activities in their territories independently from surrounding state governments, they frequently collaborate and cooperate with states, on a government-to-government basis, through compacts or other agreements.

Although tribal governmental authorities have been recognized within federal jurisprudence since the establishment of our nation, it has only been in recent years that tribal governments have been provided mechanisms through which to exercise greater autonomy and authority over the delivery of federal Indian programs and resources. In 1994, I signed into law the Tribal Self-Governance Act. Under Self-Governance, tribal governments have unprecedented authority over the design, allocation, and expenditure of resources as well as the management of natural resources. Through this law, my Administration has continued the process of transferring tribal government service delivery from the Bureau of Indian Affairs to tribal governments

Tribal government has come of age in the last quarter of the twentieth century. Nearly wiped out first by the assimilation policies in the 1880's, then by the policy of terminating the political status of tribes in the 1950's through 1973, tribal government has made a spectacular

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come back, continuously growing in capacity, sophistication, and strength. As a new millennium dawns, we must resolve to break decisively with old attitudes and ideas that divide Americans and hinder our ability to achieve social justice and equality of opportunity for every American. America must rid itself of the notion that Indian tribes are tragically, but inevitably, destined to vanish from the face of the Earth in the wake of the manifest destiny of our nation. When the framers of our Constitution incorporated Indian nations into the political and legal framework of this country, they forever joined the destiny of the tribal nations with that of this great nation. The time now has come for our nation to embrace the principle that American Indian and Alaska Native tribal governments are a permanent and integral part of the social, political, and economic fabric of the United States.



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*Statement of the President*  
*March 10, 1999*

Today, the Senate and the House have the chance to move forward with bipartisan legislation to reduce class size and improve public schools across the country. Last year, with bipartisan support, Congress enacted a down payment on my initiative to hire 100,000 teachers to reduce class size in the early grades. This week, the Republican leadership in the Senate not only is blocking a vote on the Murray-Kennedy amendment to finish the job, but is trying to undermine the bipartisan agreement we reached last fall. The Republicans are attempting to take the funds we agreed to invest in reducing class size and divert those funds to special education. While we should increase funding for special education -- as we have done in past years and as my budget recommends continuing to do in the future -- I will vigorously oppose taking this money from the recently enacted class size initiative. We should not be pitting our children against one another or changing the rules now on our critical efforts to reduce class size. Smaller classes will help all students do better, and will reduce the need for special education services by helping teachers identify and assist as early as possible children who are having learning problems. I call on every member of Congress to reject these Republican efforts, and allow an up-or down vote this afternoon on the Murray-Kennedy and Clay-Wu measures to help reduce class size and hire well-prepared teachers across the nation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman ( CN=Karin Kullman/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:10-MAR-1999 16:13:18.00

SUBJECT: NEA Reception

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

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

TO: Jonathan H. Schnur ( CN=Jonathan H. Schnur/OU=OPD/O=EOP @ EOP [ OPD ] )  
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: Victoria A. Lynch ( CN=Victoria A. Lynch/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Tanya E. Martin ( CN=Tanya E. Martin/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:

The National Education Association's Board of Directors and State Affiliate Presidents will be meeting in DC April 30 - May 2. They have written to POTUS requesting a White House Reception for 250 people on Friday, April 30 or Saturday, May 1.

How do people feel about this request? Do we want to submit a scheduling proposal for a POTUS reception?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kevin S. Moran ( CN=Kevin S. Moran/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:10-MAR-1999 16:18:47.00

SUBJECT: DAILY REPORT: The Mayan Story of the Coyote and the Hen

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

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

TO: Katharine Button ( CN=Katharine Button/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: Mindy E. Myers ( CN=Mindy E. Myers/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: Melissa G. Green ( CN=Melissa G. Green/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

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

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

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

TO: Jeffrey M. Smith ( CN=Jeffrey M. Smith/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Heather M. Riley ( CN=Heather M. Riley/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: Neal Lane ( CN=Neal Lane/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

TEXT:

THE MORAL UP FRONT: It's past 4:00 pm and I need all Daily Report briefs.

Once upon a time a hen was up in the branches of a tree, and a coyote came up to her: "I've brought some good news for you. Do you want to hear it?" asked the coyote.

"Do you really have some good news?" the hen asked.

The coyote answered: "It's about the two of us. Hear this: The coyote and the hen have made peace! Now we're going to be friends and you can come down from the tree. We'll hug each other as a sign of good will."

The hen kept asking if it was true what the coyote was saying: "Where was the peace treaty approved, brother coyote?" The coyote answered:

"Over there by the hunting grounds on the other side of the mountain. Hurry up and come down so that we can celebrate this moment of peace."

The hen asked: "Over there on the other side of the mountain?"

"May God witness that I am telling the truth. Come on down from the tree," insisted the coyote.

"Maybe you are telling the truth, brother. I see that the dog is coming to celebrate the fiesta with us, because you and he are also going to make peace. I see him coming near, I hear him coming. He's coming fast and he's going to grab me, now that you and he have made peace. Do you hear, brother coyote, do you hear?" asked the hen. She was very happy and came down from the branches of the tree.

The coyote accepted this explanation and ran away. As the hen said, the dog was coming, that's why he left. The hen didn't want to come down from the tree. She didn't fall in front of the coyote; if she had, he would have eaten her. She realized he was just telling her lies.

Thus ends the story of the coyote and the hen.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman ( CN=Karin Kullman/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:10-MAR-1999 16:30:51.00

SUBJECT: Re: NEA Reception

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: Jonathan H. Schnur ( CN=Jonathan H. Schnur/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

CC: Tanya E. Martin ( CN=Tanya E. Martin/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

Do we want DPC listed as supporting the request?

----- Forwarded by Karin Kullman/OPD/EOP on 03/10/99  
03:34 PM -----

Carolyn T. Wu  
03/10/99 04:13:32 PM  
Record Type: Record

To: Karin Kullman/OPD/EOP  
cc: See the distribution list at the bottom of this message  
bcc:  
Subject: Re: NEA Reception

Karen and Minyon are doing a request. do others want to sign on or be listed as recommended by?

Karin Kullman  
03/10/99 04:12:24 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: NEA Reception

The National Education Association's Board of Directors and State Affiliate Presidents will be meeting in DC April 30 - May 2. They have written to POTUS requesting a White House Reception for 250 people on Friday, April 30 or Saturday, May 1.

How do people feel about this request? Do we want to submit a scheduling proposal for a POTUS reception?

Message Sent

To: \_\_\_\_\_

Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Tanya E. Martin/OPD/EOP  
Jonathan H. Schnur/OPD/EOP  
Victoria A. Lynch/WHO/EOP  
Mary E. Cahill/WHO/EOP  
Karen Tramontano/WHO/EOP  
Carolyn T. Wu/WHO/EOP

Message Copied

To: \_\_\_\_\_

Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Tanya E. Martin/OPD/EOP  
Jonathan H. Schnur/OPD/EOP  
Victoria A. Lynch/WHO/EOP  
Mary E. Cahill/WHO/EOP  
Karen Tramontano/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman ( CN=Karin Kullman/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:10-MAR-1999 17:19:02.00

SUBJECT: Scheduling Item

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

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

TO: Tanya E. Martin ( CN=Tanya E. Martin/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:

The scheduling office received a letter inviting the President to attend this event in New York on April 29. The President is not scheduled to be in New York on this day. Anne Lewis commented to scheduling that she thought it was worth discussing, and wanted to know what DPC thought. Does anyone feel that we should consider this? Maybe a video or suggest a surrogate?

Alan J. Patricof, Co-Chairman of Patricof and Company Ventures, and Lisa Belzberg Bronfman, President of PENCIL, invite POTUS to participate in PENCIL's Fifth Annual Principal for a Day program by visiting a participating New York City school and/or addressing the Principal for a Day Town Meeting later that evening.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Amy Weiss to Elena Kagan; RE: Radio & TV Dinner (1 page)	03/10/1999	Personal Misfile

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**COLLECTION:**

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

---

**FOLDER TITLE:**

[03/10/1999]

2009-1006-F  
db1586

---

**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. Luray ( CN=Jennifer M. Luray/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:10-MAR-1999 18:06:32.00

SUBJECT: nice job

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

READ:UNKNOWN

TEXT:

You ran a good meeting and said exactly what needed to be said at the end.  
Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 18:21:17.00

SUBJECT: Conyers/CBC

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: Irene Bueno ( CN=Irene Bueno/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:  
BR/EK:

Dennis B. and Ricki called to make sure it was okay to notify Conyers and Clyburn/CBC about our radio address tomorrow afternoon sometime. I told them I thought we'd decided not to tell them until Friday -- but Ricki understood the we'd decided not to invite them, but to tell them tomorrow...before they hear it from the civil rights types.

Please clarify.  
jc3

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan H. Schnur ( CN=Jonathan H. Schnur/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:10-MAR-1999 18:24:39.00

SUBJECT: FYI:AP article on new proposal on coverdell savings accounts and other edu

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

READ:UNKNOWN

TO: Tanya E. Martin ( CN=Tanya E. Martin/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:

forwarded from Melissa green

Education Savings Accounts Pushed

By LIBBY QUAID Associated Press Writer

WASHINGTON (AP) -- Lawmakers from both parties renewed a push Wednesday for education tax

legislation that

President Clinton vetoed last year.

send their

The measure offers tax breaks for parents who children to private schools and allows tax-free education savings accounts for pre-college

withdrawals from

expenses.

Clinton vetoed the legislation last summer, provided \$3 billion to fund tax benefits for doing ``virtually nothing for average families.''

saying it would have richer families while

Congressional backers believe they have a coalition building here," said one sponsor, R-Mo.

``strong, bipartisan

Rep. Kenny Hulshof,

Supporters are ``struggling against a very large particularly in this city, who are committed to they don't want to change," said Sen. Paul

component,

the status quo;

Coverdell, R-Ga.

The Democratic co-sponsors are Sen. Robert Jersey and Rep. William Lipinski of Illinois.

Torricelli of New

accounts that  
blessing, to provide for

away each month

this year,

home

contains other tax

employer-paid tuition, along

build new

other sponsors could

on a child's

be tax-free; the

kindergarten.

small, Coverdell

\$6 billion over

estimated \$1.5 billion

The bill would expand the tax-free savings  
Congress created in 1997, with Clinton's  
college expenses.

``It's a lot easier for parents to sock money  
during a child's early years,'' Hulshof said.

Under the legislation lawmakers are introducing  
covered expenses would include private tutors,  
computers, supplies and transportation. It also

breaks for prepaid tuition plans and  
with breaks to make it easier for communities to  
public schools.

Families, employers, friends, relatives and  
contribute up to \$2,000 a year to the accounts  
behalf. Accrued interest and withdrawals would  
money could pay for expenses beginning with

While the average family's tax break would be  
said, the savings accounts would leverage up to  
five years.

The accounts would cost the Treasury an  
over 10 years.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Tracy Pakulniewicz ( CN=Tracy Pakulniewicz/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:10-MAR-1999 18:34:39.00

SUBJECT: Mtg w/ Loretta Ucelli

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

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

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

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

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

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

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

TEXT:

Loretta, the new Director of the Communications Office, would like to meet with you in order to go over some needs you might have to help enhance policy/message amplification. She is very interested in working closely with you during the final years of the Administration, and promoting our goals and accomplishments.

Please let me know what time over the next day or two would be convenient for you.

Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 18:36:59.00

SUBJECT: Hate Crimes Bill will be re-introduced tomorrow, Thursday,

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

READ:UNKNOWN

TEXT:

----- Forwarded by Mary L. Smith/OPD/EOP on 03/10/99  
06:36 PM -----

Richard Socarides 03/10/99 04:05:29 PM

Record Type: Record

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

cc:

Subject: Hate Crimes Bill will be re-introduced tomorrow, Thursday,

at 1:30 in 226 Dirksen. This will be all members except for Holder, who will represent the Administration. The VP will issue a statement and WH Communications Research is preparing a piece we will e-mail around and will want to get out. All the groups who are part of the ADL organized Hate Crimes Working Group have been invited. Please invite anyone not a part of that group who you think should be there and let me know.

Message Sent

To:

---

Cheryl M. Carter/WHO/EOP  
Jonathan M. Young/WHO/EOP  
Kelley L. O'Dell/WHO/EOP  
Barbara D. Woolley/WHO/EOP  
Richard Socarides/WHO/EOP  
Deborah B. Mohile/WHO/EOP  
Sondra L. Seba/WHO/EOP  
Christine A. Stanek/WHO/EOP  
Robin Leeds/WHO/EOP  
Ilia V. Velez/WHO/EOP  
Jena V. Roscoe/WHO/EOP  
Maureen T. Shea/WHO/EOP  
Victoria A. Lynch/WHO/EOP  
Maritza Rivera/WHO/EOP  
Tania I. López/WHO/EOP  
allen.kent @ mail.va.gov @ inet  
Jackson T. Dunn/WHO/EOP  
Jennifer M. Luray/WHO/EOP  
Mary E. Cahill/WHO/EOP

Karen Tramontano/WHO/EOP  
Thomas D. Janenda/WHO/EOP  
Barry J. Toiv/WHO/EOP  
Tracey E. Thornton/WHO/EOP  
Mark Childress/WHO/EOP  
Virginia Apuzzo/WHO/EOP  
Sara M. Latham/WHO/EOP  
Marsha Scott/WHO/EOP  
Kay Casstevens/OVP @ OVP  
Rajiv Y. Mody/WHO/EOP  
Maureen T. Shea/WHO/EOP  
Minyon Moore/WHO/EOP  
Robert B. Johnson/WHO/EOP  
Maria Echaveste/WHO/EOP  
Marjorie Tarmey/WHO/EOP  
Peter Rundlet/WHO/EOP  
Charles W. Burson/OVP @ OVP  
Edward W. Correia/WHO/EOP  
Thomas L. Freedman/OPD/EOP  
Caroline R. Fredrickson/WHO/EOP  
Mary L. Smith/OPD/EOP  
Broderick Johnson/WHO/EOP  
Angela\_Williams @ Judiciary.Senate.Gov  
Carole\_Grunberg @ Wyden.Senate.Gov  
Sean P. Maloney/WHO/EOP  
william.r.yeomans @ usdoj.gov  
tom.perez @ usdoj.gov  
Jose Cerda III/OPD/EOP  
Jennifer M. Luray/WHO/EOP  
Karen.L.Stevens @ usdoj.gov  
Jonathan M. Young/WHO/EOP  
Mary E. Cahill/WHO/EOP  
Philip G Dufour/OVP @ OVP  
Patricia M. Ewing/OVP @ OVP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 19:07:09.00

SUBJECT: new draft of NAS report

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

READ:UNKNOWN

TEXT:

Cliff has just given us a new draft of the food safety report, which we will send over. The agencies are fine with it. Lori McHugh is looking at it tonight for press strategy as well. We are planning on releasing it Friday or Monday, before the hearing on Tuesday. Should the President issue a statement?

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Charles Konigsberg to Ruth Eaglin, et al; RE: third party privacy (2 pages)	03/10/1999	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[03/10/1999]

2009-1006-F  
db1586

### 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]



DRAFT FOR DISCUSSION PURPOSES ONLY  
Outline of Possible Changes in Federal Food Safety Structure

Note: Movement of functions from one agency to another would not require opening and negotiating the terms of the underlying statutes. The Secretary that is authorized to implement portions of these acts would be changed, including the delegations for implementation, and USDA's food safety mission area and agency would be modified to ensure protection of public health.

(1) The following functions would be moved from FDA's Center for Food Safety and Applied Nutrition (CSFAN) to USDA: Food inspection, enforcement, and standard-setting/regulation for microbial, viral, and parasitic pathogens, including seafood, eggs, milk, fruits and vegetables. In addition, FDA/state boards on milk and seafood would be moved to USDA, as well as the food code, which is a model food safety code developed by FDA, other Federal agencies, and the states.

The following functions would remain at CFSAN — food additives, dietary supplements, biotechnology, chemical/pesticide/drug residues/standards. In addition, it is possible that food labeling under the Nutrition Labeling Act would remain at CFSAN, including meat and poultry products which are currently under USDA's jurisdiction.

(2) FDA would be provided with funding and staffing increases to address functional foods (i.e. new food products making special nutritional claims), food additives, dietary supplements, and biotechnology. Industry believes FDA lacks resources for these items.

(3) Personnel Resources-- a relatively small number of FDA field personnel with special expertise such as imports would be moved from FDA to USDA. All other inspection personnel would remain for FDA inspections of drugs, medical devices etc. USDA would also need a number of senior level managers and regulatory personnel from CSFAN or FDA to be transferred to USDA in order to ensure a successful transition.

(4) USDA/FSIS would be provided with base increase of XX million to ensure a successful transition of these new responsibilities. Pending full redeployment of USDA's inspection resources, USDA would need increased funding in order to maintain at least the level of inspection currently provided by FDA. As redeployment proceeds over the long term, the need for these additional funds would likely decrease.

(5) To emphasize the commitment to food safety, the name of USDA would be changed to the U.S. Department of Food and Agriculture, with the current Under Secretary for Food Safety becoming the Under Secretary for Public Health and Food Safety. Given the increased responsibilities, an additional Deputy Under Secretary would be desirable (there is currently one Deputy). All subcabinet positions would require commensurate public health backgrounds.

(6) The underlying statutes governing FDA and USDA (FFDCA, FMIA etc) would remain intact, although one could include a directive that the Administration should develop a proposal to unify

**Automated Records Management System**  
Hex-Dump Conversion

the statutes. This would (1) simplify the legislation, (2) provide general consistency for regulated industries, and (3) avoid possible legislative attempts to weaken any of the relevant statutes. One possible exception should be considered. Under current law, states that implement meat and poultry laws may not stray into contrary forms of regulation, so inclusion of preemption in this transfer may generate industry support. This may be opposed by the states and it is unclear where the consumer community would be on this issue.

(7) While it may perhaps be unnecessary to address consumer concerns, one should consider whether to include additional measures to ensure the independence of food safety from USDA's role of promoting agricultural commodities. Examples include the creation of a statutory advisory board or statutory reaffirmations of this independence.

(8) While this would not likely be included in legislation since it is a Congressional matter, the Administration would support having the Public Health and Agriculture Committees share full jurisdiction over food safety.

(9) Given the increased responsibilities for USDA, there would also likely be a need for increased resources for USDA's Office of General Counsel (perhaps by transfer from FDA) and for USDA's Office of Risk Assessment and Cost Benefit Analysis.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan H. Schnur ( CN=Jonathan H. Schnur/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:10-MAR-1999 20:22:48.00

SUBJECT: update on House and Senate amendments

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: Tanya E. Martin ( CN=Tanya E. Martin/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

The Clay-Wu class size amendment will not be offered to the House ed-flex bill . Apparently, the House Democrats

1) ran out of time in the debate, and -- according to the Education Dept leg affairs --

2) may have been concerned that a second-degree amendment on IDEA would have been difficult to oppose.

Two votes remain in the House tomorrow morning -- 1 on the Scott amendment on Title I schoolwides and 1 on final passage.

Meanwhile, the Senate will vote on the 10 amendments we already knew about. The Education Department's counsel's office thinks the IDEA/discipline amendment may be consistent with the our IDEA regulation, and they will get back to us in the morning.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:10-MAR-1999 20:42:27.00

SUBJECT: Need Clearance: Draft Letter for Supplemental Mark-up

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

TO: Miles M. Lackey ( CN=Miles M. Lackey/OU=NSC/O=EOP@EOP [ NSC ] )  
READ:UNKNOWN

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

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

TO: Todd Stern ( CN=Todd Stern/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: Ron Klain ( CN=Ron Klain/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

TO: G. E. DeSeve ( CN=G. E. DeSeve/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Jeffrey M. Smith ( CN=Jeffrey M. Smith/OU=OSTP/O=EOP@EOP [ OSTP ] )  
READ:UNKNOWN

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

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

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

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

READ:UNKNOWN

CC: Mark J. Tavlarides ( CN=Mark J. Tavlarides/OU=NSC/O=EOP@EOP [ NSC ] )  
READ:UNKNOWN

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

CC: Victoria A. Wachino ( CN=Victoria A. Wachino/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

CC: Judy Jablow ( CN=Judy Jablow/OU=CEQ/O=EOP@EOP [ CEQ ] )  
READ:UNKNOWN

CC: Lisa Zweig ( CN=Lisa Zweig/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

CC: Rosemary Evans ( CN=Rosemary Evans/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

CC: Charles R. Marr ( CN=Charles R. Marr/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN

CC: Elizabeth Gore ( CN=Elizabeth Gore/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

TEXT:

The House Appropriations Committee expects to mark up the supplemental bill tomorrow (Thursday, 3/11) at 1:00pm. Therefore, we need to release the letter tomorrow morning. Need WW decision on level of veto threat:

"Were the bill to be presented to the President with the offsets discussed above, the Secretary of the Treasury and the Secretary of State would recommend that he veto the bill." Please provide comments/clearance by 10am tomorrow. Thank you.

The Honorable C.W. Bill Young  
Chairman  
Committee on Appropriations  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The purpose of this letter is to provide the Administration's views on the bill making emergency supplemental appropriations to assist in Central America's recovery from recent natural disasters, to provide urgent funding related to the situation in Jordan, and to provide vital loans and other assistance to our farmers and ranchers. The Administration appreciates the Committee's prompt action on the President's supplemental requests and looks forward to working with the Committee on a bi-partisan basis on this important legislation. However, we have significant concerns with the approach being taken in the Committee amendment. As the Committee develops its version of the bill, we ask that you consider the Administration's views.

Providing essential assistance to victims of natural disasters and assisting our farmers at home with vital financing clearly fall in the category of needs that are urgent, unanticipated, and essential -- that is, emergency requirements. Therefore, they clearly deserve to be funded quickly, fully, and without requiring offsets that could force unacceptable reductions in important programs. We support the Committee's action of providing defense-related emergency funding in response to Hurricane Mitch without offsets and believe that consistent treatment should be applied to non-defense related emergency requirements.

It is our understanding that the Committee may propose rescinding nearly \$1 billion from international affairs accounts, with the largest portion being a rescission of \$748 million in appropriations of callable capital from early U.S. payments to the Asian Development Bank (ASDB), the World Bank and the InterAmerican Development Bank. Such rescissions would be extremely ill-advised. Rescinding the callable capital funding would send the wrong signal to financial markets and could require the ASDB and other multilateral development banks (MDBs) to pay a premium on their borrowing, which would lead to the restriction of capital flows necessary to strengthen the global economy and expand U.S. exports. At a time when some Asian and other developing economies are beginning to recover, this step would be highly unproductive.

In addition, this rescission of callable capital would make additional appropriations of callable capital to the MDBs vulnerable to future rescissions as well and thereby call into question U.S. commitment to all multilateral development banks. This could have a detrimental effect on capital flows and economic growth globally, including in Asia, Africa, and Latin America. This unintended consequence would even more broadly delay economic recovery in markets vital to the United States.

The other possible rescissions in the international affairs area would undermine a host of important objectives in many programs. For example, the rescissions would cut support for U.S. exports, undermining

our efforts to penetrate foreign markets and provide jobs for American workers. At a time when the United States needs to promote its exports, this is a particular misguided step. The rescissions would also undercut free market reform and democracy promotion in the New Independent States and in Eastern Europe, areas where it is manifestly in America's interests to encourage reform. The rescission of development assistance would set back efforts in the poorest countries, including possibly in those hit hardest by Hurricane Mitch.

Other rescissions would undermine our efforts to provide peacekeeping operations in troubled areas of the world. The rescission of Global Environment Facility funding would be highly detrimental to the cause of improving global environmental protection. Still other cuts would reduce our contributions to international organizations, where America's reputation as a contributor in good standing is already tarnished. Rescissions also would be made against critical efforts to halt proliferation and to counter terrorism, areas where America cannot afford to be pulling back.

Taken together, these rescissions are so great that the supplemental as a whole would constitute a net reduction in U.S. foreign affairs spending -- a reduction that would seriously undermine America's capacity to pursue its foreign policy objectives.

We have concerns with other offsets in the bill, such as a proposed \$150 million cut in important nonproliferation programs and regional peacekeeping activities in Russia.

[Were the bill to be presented to the President with the offsets discussed above, the Secretary of the Treasury and the Secretary of State would recommend that he veto the bill.] We urge you not to take actions that could result in gridlock and that would be detrimental both to our allies abroad and our citizens at home in their time of need.

#### Emergency Relief for Central America

On February 16th, the President transmitted to the Congress a request for \$956 million for International Assistance Programs, the Department of Defense, and the Department of Justice to provide assistance for emergency disaster and reconstruction assistance expenses arising from the consequences of the recent hurricanes in Central America and the Caribbean and the recent earthquake in Colombia. The Administration appreciates the full funding provided in the House bill for this request, which will provide relief from the effects of Hurricanes Mitch and Georges and restore hope to this devastated region.

Hurricane Mitch, the worst natural disaster in the history of the Western hemisphere, left more than 9,000 dead and drove millions from their homes. Even today, hundreds of thousands of Central Americans still cannot return to their homes. Schools, hospitals, businesses, farms and roads were destroyed, resulting in serious economic dislocation. Hurricane Mitch caused \$8.5 billion in damages, and Hurricane Georges brings the total to \$10 billion. The President's Central America package is urgent, unanticipated, and essential and should be funded as an emergency request.

Funds must be provided swiftly to prevent the spread of disease and to buy seed and plant crops in the fast-approaching Spring planting season, thereby providing food and jobs to many communities, and to demonstrate to Central Americans that they can find jobs and security in their own

recovering economies. Much of the rural road system farmers and small merchants depend on for their livelihoods was destroyed. Water and sanitation systems have been disrupted, which can result in disease. Economic destruction and dislocation threaten to undermine the region's achievements of the past decade, as these nations have made tremendous strides toward settling conflicts, strengthening democracy, promoting human rights, opening economies and alleviating poverty. Disaster assistance will ensure that their transformation continues and that Central Americans will have cause to view their own futures in the region with hope.

#### Jordan

The President submitted a request for \$300 million in supplemental and advance appropriations for Jordan on February 19th. These funds will provide financial support to help promote stability in Jordan and the region during the period of transition subsequent to King Hussein's death. While the Administration appreciates the full funding of the \$100 million FY 1999 request, we are disappointed that the \$200 million requested for advance appropriations for FYs 2000 and 2001 has not been provided. In the context of promoting peace in the Middle East, the Administration will continue to press for these advance appropriations.

#### Department of Agriculture

On February 26th, the President submitted a request for \$152 million for urgently needed emergency funds for the Department of Agriculture. Forecasts for continuing low commodity prices in 1999 have significantly increased the demand for Department of Agriculture farm loans, as many farmers are being rejected by their regular sources of financing. The Administration's request would provide an additional \$1.1 billion in farm ownership, operating, and emergency direct and guaranteed loans to help farmers through the Spring planting season. In addition, the Administration's requested \$43 million for Farm Service Agency salaries and expenses would enable additional temporary employees to be hired to speed assistance to farmers. The President has asked the Congress to act expeditiously on this request to ensure the availability of the funding by the end of March. We urge the Committee to add these urgently needed funds to the bill.

In addition, we request that the Committee not add extraneous authorizations to the bill, particularly narrow, objectionable riders that would adversely affect the environment or serve only to generate controversy, unnecessarily delaying the urgently needed emergency assistance contained in this bill.

We look forward to working with the Committee to address our mutual concerns.

Sincerely,

Jacob J. Lew  
Director