

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 047 - FOLDER -010**

**[03/25/1999]**

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE   | DATE       | RESTRICTION |
|--------------------------|---|------------|-------------|
| 001. email               | Bruce Reed to Elena Kagan. [Re: Administration Policy] (1 page) | 03/25/1999 | P6/b(6)     |

### COLLECTION:

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

### FOLDER TITLE:

[03/25/1999]

2009-1006-F

vz120

### 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: Jeanne Lambrew ( CN=Jeanne Lambrew/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1999 07:12:39.00

SUBJECT:

TO: JEANNE (Pager) #LAMBREW ( JEANNE (Pager) #LAMBREW [ UNKNOWN ] )  
READ:UNKNOWN

TO: BRUCE N. (Pager) #REED ( BRUCE N. (Pager) #REED [ UNKNOWN ] )  
READ:UNKNOWN

TO: ELENA (Pager) #KAGAN ( ELENA (Pager) #KAGAN [ UNKNOWN ] )  
READ:UNKNOWN

TO: DAN (Pager) #MENDELSON ( DAN (Pager) #MENDELSON [ UNKNOWN ] )  
READ:UNKNOWN

TO: MELISSA (Pager) #GREEN ( MELISSA (Pager) #GREEN [ UNKNOWN ] )  
READ:UNKNOWN

TO: GENE (SKY) (Pager) #SPERLING ( GENE (SKY) (Pager) #SPERLING [ UNKNOWN ] )  
READ:UNKNOWN

TO: JACOB J. (Pager) #LEW ( JACOB J. (Pager) #LEW [ UNKNOWN ] )  
READ:UNKNOWN

TO: LAWRENCE (SKY) (Pager) #STEIN ( LAWRENCE (SKY) (Pager) #STEIN [ UNKNOWN ] )  
READ:UNKNOWN

TO: STEVE (Pager) #RICCHETTI ( STEVE (Pager) #RICCHETTI [ UNKNOWN ] )  
READ:UNKNOWN

TO: CHRISTOPHER (Pager) #JENNINGS ( CHRISTOPHER (Pager) #JENNINGS [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

quick update call re breaux/medicare: 7:45am 6-6755/6766 x3556. cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth R. Newman ( CN=Elizabeth R. Newman/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1999 08:54:43.00

SUBJECT: guidance

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

MEDICARE (Breux-Kerrey) - we need this for the president by 10:30 for the pool spray. Barry has talked to Chris Jennings, but wanted to make sure he knows our time frame

thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Carolyn T. Wu ( CN=Carolyn T. Wu/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1999 08:58:02.00

SUBJECT: School Construction

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

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

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

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

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

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

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

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

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

TEXT:

Karen would like to hold a pre-mtg at 11 AM in her office. (Cathy, Laura thought Bruce should be included, so sorry for the late notice)

The large meeting with outside folks will be in OEOB 100 at 3:30 today.  
Thanks. Please contact me with questions.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elisa Millsap ( CN=Elisa Millsap/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1999 10:01:02.00

SUBJECT: Revised List of Members of Congress Attending Bill Signing Ceremony for H.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Nanda Chitre ( CN=Nanda Chitre/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

TO: paul thornell ( CN=paul thornell/O=ovp @ ovp [ UNKNOWN ] )  
READ:UNKNOWN

TO: kay casstevens ( CN=kay casstevens/O=ovp @ ovp [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TO: Jade L Riley ( CN=Jade L Riley/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: Broderick Johnson ( CN=Broderick Johnson/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

TO: Rachel A. Redington ( CN=Rachel A. Redington/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: Loretta M. Ucelli ( CN=Loretta M. Ucelli/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: Rebecca L. Walldorff ( CN=Rebecca L. Walldorff/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

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

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

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

TO: Douglas B. Sosnik ( CN=Douglas B. Sosnik/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: Dawn L. Smalls ( CN=Dawn L. Smalls/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

TO: Amy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 10:03:09.00

SUBJECT: Revised List of Members of Congress Attending Bill Signing Ceremony for H.

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI

----- Forwarded by Karin Kullman/OPD/EOP on 03/25/99  
09:06 AM -----

Elisa Millsap  
03/25/99 09:59:49 AM

Record Type: Record

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

cc:

Subject: Revised List of Members of Congress Attending Bill Signing  
Ceremony for H.R. 540

EVENT: Signing Ceremony for H.R. 540, Nursing Home Resident

Protection Ammendments

DATE: Thursday, March 25, 1999

TIME: 10:35am-10:50am

LOCATION: The Oval Office

CONFIRMED TO ATTEND(7):

Sen. Robert Graham (D-FL)

Sen. Daniel Patrick Moynihan (D-NY)

Sen. William Roth (R-DE)

Rep. Jim Davis (D-FL)

Rep. Michael Bilirakis (R-FL)

Rep. Sherrod Brown (D-OH)

Rep. Henry Waxman (D-CA)

Message Sent

To:

Elisa Millsap/WHO/EOP

Alphonse J. Maldon/WHO/EOP

Janet Murguia/WHO/EOP

Tracey E. Thornton/WHO/EOP

foley\_m @ a1 @ cd @ lngtwy

Virginia N. Rustique/WHO/EOP  
Jessica L. Gibson/WHO/EOP  
Dario J. Gomez/WHO/EOP  
Janelle E. Erickson/WHO/EOP  
Roger S. Ballentine/WHO/EOP  
Charles M. Brain/WHO/EOP  
Broderick Johnson/WHO/EOP  
Eli P. Joseph/WHO/EOP  
Mindy E. Myers/WHO/EOP  
Lisa M. Kountoupes/WHO/EOP  
Jade L Riley/WHO/EOP  
Marty J. Hoffmann/WHO/EOP  
Matthew J. Bianco/WHO/EOP  
Caroline R. Fredrickson/WHO/EOP  
Courtney C. Crouch/WHO/EOP  
Joel K. Wiginton/WHO/EOP  
kay casstevens/ovp @ ovp  
david r thomas/ovp @ ovp  
paul thornell/ovp @ ovp  
william t. glunz/ovp @ ovp  
Julia M. Payne/WHO/EOP  
Elizabeth R. Newman/WHO/EOP  
Nanda Chitre/WHO/EOP  
Jennifer M. Palmieri/WHO/EOP  
Jason H. Schechter/WHO/EOP  
Sarah E. Gegenheimer/WHO/EOP  
Julie B. Goldberg/WHO/EOP  
Amy Weiss/WHO/EOP  
Karin Kullman/OPD/EOP  
Barbara D. Woolley/WHO/EOP  
Devorah R. Adler/OPD/EOP  
Christopher C. Jennings/OPD/EOP  
Elena Kagan/OPD/EOP  
Dawn L. Smalls/WHO/EOP  
Sara M. Latham/WHO/EOP  
Ann F. Lewis/WHO/EOP  
Stacie Spector/WHO/EOP  
Douglas B. Sosnik/WHO/EOP  
Marjorie Tarmey/WHO/EOP  
Maria Echaveste/WHO/EOP  
Dominique L. Cano/WHO/EOP  
Jeffrey A. Forbes/WHO/EOP  
Tracy Pakulniewicz/WHO/EOP  
June G. Turner/WHO/EOP  
Paul K. Engskov/WHO/EOP  
Nancy V. Hernreich/WHO/EOP  
Betty W. Currie/WHO/EOP  
Charles J. Payson/WHO/EOP  
Steve Ricchetti/WHO/EOP  
Rebecca L. Walldorff/WHO/EOP  
Joshua S. Gottheimer/WHO/EOP  
James T. Heimbach/WHO/EOP  
Anne Whitworth/WHO/EOP  
Loretta M. Ucelli/WHO/EOP  
Phillip Caplan/WHO/EOP  
Sean P. Maloney/WHO/EOP  
David R. Goodfriend/WHO/EOP  
Rachel A. Redington/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 10:11:12.00

SUBJECT: National Summit on Children Exposed to Violence

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

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

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

TEXT:

Cabinet Affairs, at the request of the Justice Department, has submitted requests for the President, Vice President, and First Lady to attend their National Summit on Children Exposed to Violence. The summit is taking place in DC on June 22-24, 1999.

They would like DPC to sign on as co-sponsors to the scheduling requests. Does anyone have a problem with this?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 10:25:05.00

SUBJECT: Points on Senate Medicare amendment

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

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

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

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

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

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

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

TEXT:

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D51]MAIL41885169D.036 to ASCII,  
The following is a HEX DUMP:

FF57504300060000010A0201000000020500000029220000000200008923E66A50932B82EC4D43  
BF40485792C06CEED18023ECC4A2771C973F0F51E104E524301F889E6DE70F7EB00F0F7DAFF933  
26F9E40F3CC4ACBF17305BD47D060B9622B31FF9219941CCA6C25C8495903EB24DDD7856CBC209  
4315E8F80EAE85ECAA1A288432F27BEA879F13C5C0347A36DE0B3CE91EA9A03226B66BF7A1A825

**RESPONSE TO  
ROTH-NICKLES-GRAMM-DOMENICI-BREAUX-KERREY AMENDMENT**

**Charge:** President's framework "does not devote 15 percent of the budget surpluses to the Medicare program. The federal budget process does not provide a mechanism for setting aside current surpluses for future obligations."

**Response:** Not true. The President's framework would dedicate \$686 billion to debt reduction and the Medicare trust fund. The independent Medicare actuary -- repeatedly cited by Republicans in 1995 -- confirmed that this proposal would significantly extend the life of the Trust Fund: "This budget proposal would postpone the year of exhaustion by an estimated 12 years." (Rick Foster, 1/27/99).

**Charge:** Transferring IOUs will require raising taxes, benefits cut, and/or increased gross debt to pay for Medicare in the future.

**Response:** Not true. OMB projects that there will be a surplus well into the middle of the next century even after we dedicate part of the surplus to Medicare and Social Security. This is because, by paying down the publicly held debt, the President's plan reduces net interest costs to the Federal government and increase economic growth. Thus, even after we start using the surplus to pay for Medicare and Social Security, there will be a budget surplus.

**Charge:** "No effect on the unified budget surpluses or the on-budget surpluses and therefore have no effect on the debt held by the public."

**Response:** Not true. The President is locking in \$686 billion from the surplus which, under the Republican plan, would go for tax cuts, not debt reduction or Medicare. Merrill Lynch praised the President's overall strategy: "Allocating a portion of the budget surpluses to debt reduction, as the President proposes, is a conservative strategy that makes sense. Reduced debt will result in increased national savings, lower interest rates, and stronger long-term economic growth than would otherwise be the case." (Merrill Lynch, February 10, 1999).

**Charge:** "The President's budget framework does not provide access to, or

**financing for, prescription drugs.”**

**Response:** The President stated that prescription drug coverage should be included in any plan to reform the Medicare program. He called on the Congress to work in a bipartisan fashion to develop these reforms and indicated that he would wait until after the Medicare Commission made its final recommendations before outlining his specific preferences. The President is committed to including a prescription drug benefit in the plan that he submits to the Congress.

**Charge:** **The Comptroller General states that the President’s Medicare proposal “is likely to create a public misperception that something meaningful is being done to reform the Medicare program.”**

**Response:** The Comptroller General himself put out a statement saying that “the President’s proposed transfer of new securities to the Hospital Insurance trust fund constitutes a significant financing change....” and praised the President for his remarks on the need for program reforms as well as financing. On March 18, the Comptroller General acknowledged that the President had “suggested that, although substantial new general fund revenues may be needed for the program over the long-term, substantive program reforms requiring ‘difficult political and policy choices’ will also be required.”

**Charge:** **Breaux-Thomas plan received majority vote, but “all of the President’s appointees to that commission opposed the bipartisan reform plan.”**

**Response:** All of the Democratic appointees, except for Senators Breaux and Kerrey, opposed the Breaux-Thomas plan. The President appointees voted their conscience. The President felt he should not instruct his Commission members to vote for something that they felt represented flawed policy. He believes that it would have been inappropriate for him to do otherwise.

**Charge:** **The Breaux-Thomas recommendations “substantially improve the solvency of the Medicare program” that will not require “raising taxes, cutting benefits, or borrowing more from the public.”**

**Response:** The Breaux-Thomas plan does not substantially extend the solvency of Medicare. At most, it adds 4 or 5 years to the program’s life -- which by any definition is not a “long-term” solution. In contrast, the President’s plan, that includes the dedication of the surplus and a much more meaningful prescription drug benefit, will extend the life of Medicare by a significantly greater period of time.

**Charge:** **No transfer from surplus.**

**Response:** Senators Breaux and Kerrey voted for this transfer yesterday. Earlier this year, Senator Breaux indicated interest in the surplus proposal, but argued that he could not endorse it because of his role as Commission chair.

**Charge:** **Work in bipartisan fashion on reform; examine recommendation in the Breaux-Thomas plan; work with the President on his plan.**

**Response:** We couldn’t agree more and his proposal will be designed to reach bipartisan consensus on the type of reforms we need to strengthen and improve the program.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 10:52:20.00

SUBJECT: Re: Meetings on police

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

READ:UNKNOWN

TEXT:

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno ( CN=Irene Bueno/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1999 13:00:06.00

SUBJECT: Reminder - my leave schedule

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

READ:UNKNOWN

TEXT:

This is just a reminder that I will be on leave beginning on Monday, March 29 and will return to the office on Tuesday, April 13. I very much appreciate your understanding and allowing me to take this leave for a trip that my husband and I had planned for some time. I will leave you a status report on issues that are pending and contact persons for those issues. I also will leave a phone number where I can be reached.

Please let me know if you have any questions.

Thanks again.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 13:27:54.00

SUBJECT: Draft comments on race book

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

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

TEXT:

My computer wouldn't send this as an attachment, but I wrote it in Word Perfect if you need it that way. (It could be copied back into a Word Perfect file.) Feel free to adjust the tone up or down -- I had more fun than I had expected.

March 26, 1999

MEMORANDUM TO TODD STERN

FROM: Bruce Reed  
Elena Kagan

SUBJECT: Comments on Draft Chapters of Race Book

In this memo, we outline our concerns about and changes to the policy chapters of the draft race book. With a little good faith, we believe these changes can easily be incorporated, although this is not the first time we have suggested them to the authors.

For the most part, however, the real shortcomings of the current draft have little to do with policy. With all due respect to the time and talent that have already gone into this project, the current draft is a passable government report, not a bold vision of race and America for the 21st Century. We doubt that this is the caliber of book the President was hoping for or expecting.

We see three fundamentals problems:

1. This draft does nothing to advance the President's goal of launching a new debate on race. The President has made clear that the whole point of the race initiative was to move beyond the old debates of the '60s and '70s toward a new debate about race. This draft could have been written 20 years ago. It lays out new rights, but deliberately goes out of its way not to mention responsibilities -- even replacing the President's trademark "opportunity, responsibility, community" with "opportunity, community, heart." Instead of advancing the President's long-held philosophy that the best way to close the opportunity gap is through universal programs that expand opportunity for all but but disproportionately help minorities, the draft focuses almost entirely on narrow, targeted programs to help particular populations. And it does very little to reframe the race debate, focusing more on black-white concerns than on the complex new challenges we face as a nation that is

almost majority-minority. There is a chapter on Native Americans -- why is there no chapter on the New Immigrants or the New Citizens?

2. No one reading this draft would think it was written by Bill Clinton.

Going back to his 1992 speeches in Detroit and Macomb County, the President has never had one philosophy for minorities and another for whites -- he has already tried to deliver the same message to both. But this draft is written in a different voice, oddly disconnected from the tone, the policies, and the force of the man who has been working on these issues for two decades. The draft leaves the impression that we just stumbled onto this issue of race, and scrambled to pull some policies together to deal with it -- rather than that the underlying mission of the Clinton Presidency has been to expand opportunity for everybody. The real Clinton is missing from these pages: If the President were talking about social promotion -- to any audience, white or black -- he would extol what Chicago is doing; this draft not only never mentions it, but talks at length about the downsides of testing and ending social promotion. When the President talks about race, he always wrestles with the many hard issues that surround race -- what drives racial tensions and what can we do to ease it; how much government can do and how much must change come from the inside out. This draft attributes almost every problem to latent racism and discrimination, either by the citizenry or the government. The result is little more than a disparate impact analysis of America.

3. It isn't bold and it isn't interesting. This draft does a serviceable job of conveying basic information about race. It is replete with (selective) facts and figures, but devoid of depth, complexity, or emotion. But if the point of the race book was to put forth a bold vision, provoke a good debate, or even just change a few minds, this draft falls short. When the President talks about race in a speech or town meeting, he comes across as honest, revealing, interesting. This draft meets none of those tests, either. Neither the rhetoric nor the vision rise to the occasion. We were hoping for something bolder.

#### EDUCATION CHAPTER

The centerpiece of this chapter, about the Compact for Equal Opportunity in Education, just doesn't work. Despite repeated meetings on this topic, and direct guidance from the President on down that this chapter needs to advance his existing education agenda, it still does not. This section (pp III.1-19 to III.1-27) needs a fundamental rewrite or it will undermine the real centerpiece of the President's education agenda, which he laid out in the State of the Union.

As we have made clear throughout this process, the authors seem intent on minimizing our sweeping ESEA proposals -- which the President has called a sea change in education policy -- in one throwaway paragraph, so they can devote most of the discussion to a new effort (the Compact) that is inconsistent with what we've already proposed. This is particularly troubling because our existing proposal is bolder, more coherent, and more likely to reduce racial disparities in achievement than the vague idea sketched out in the draft.

As we said to the authors two months ago, Every time he speaks on this subject, the President makes a powerful argument for why his plan is fundamental to closing the education opportunity gap, by ensuring a qualified teacher in every classroom, consequences for schools that fail,

and high expectations coupled with the help it takes to meet those expectations. Obviously, the book need not be limited to proposals the President has already made. But since ESEA debate is the most important shot he'll have at these problems in his Presidency, it deserves more than a paragraph.□8

This section needs to change in two fundamental ways: First, it needs to make a strong, compelling case for the President's ESEA proposal (and related investments) as the centerpiece of his vision for increasing educational opportunity. The President has given dozens of off-the-cuff speeches that make his argument for equal opportunity in education better than this draft does. The book needs to explain why poor schools aren't working and the sea change we've proposed to fix them -- that low-income students have suffered the most from decades of federal indifference to results, and now for the first time, we're demanding accountability; that every child has a right to functioning schools, qualified teachers, and high expectations; and that failing schools, lousy teachers, and social promotion will no longer be a local option.

Second, the Compact section needs to be reworked to mesh with ESEA or junked altogether. The most sensible change would be to make the ESEA reforms the heart of this Compact, rather than a prelude to it. The description of the Compact on p. 21 and in the text box on p. 23 doesn't work, for a variety of reasons. The whole proposal is too vague to make much sense, but its few specifics conflict with what we're already doing. It combines some measures we've already proposed to require nationwide (like report cards and takeovers of failing schools) with others we've rejected (like expert panels). [As an example of what might happen under the Compact, the draft cites Dade County's efforts to turn around failing schools -- which is already required under our ESEA proposal.] The essence of the Compact is offering (and then taking away) broader flexibility in federal grant programs -- which we have already proposed to do through ESEA, and may already have signed into law through Ed-Flex by the time the book comes out. Most troubling, it undercuts the President's ESEA proposal by suggesting that "our ambitions must be higher" (p. 25) and that "the special challenge of racial disparities requires special measures" like the Compact (p. 26). The whole point of our ESEA proposal -- as well as our class size, school construction, and after-school proposals -- is to close the gap. We should make arguments for it, not against it.

We would be happy to rewrite this section, but Paul Glastris -- who writes all the President's education speeches -- might be the best candidate to do so.

#### CRIME

Again, the centerpiece of this chapter is vague and not well thought through. The proposal to require community action plans for targeted crime funds (p. 16) is a warmed-over version of Bush's weed-and-seed program. It is supposed to help "Hot Spots" -- but it sets up a process of plans, reviews, and accountability that will make it harder for those communities to get money than if they applied through the regular COPS program. It's too modest a proposal to raise a fuss over, but it bears little relation to what we're actually doing in our budget or our crime bill.

40-41 -- We cannot say that the lack of trust in law enforcement "may even promote crime" or imply that criminals are more likely to commit

repeat acts of domestic violence because of the way they were treated by law enforcement. That kind of moral equivalence is unacceptable. We have never made excuses for criminal behavior, and we should not start now. We can make a persuasive argument about the need for greater trust without accusing law enforcement of causing crime.

47 -- We can't commit to supporting legislation that Conyers is preparing. We supported Conyers bill last year to promote data collection, but we will not support data collection as a condition of COPS money.

48 -- The section on racial profiling needs to be rewritten to reflect what we'll actually do.

50 -- I can't imagine that if only 1% of police-citizen encounters involve use of force, we have statistically significant data to support the notion that a disproportionate number of these incidents involve persons of color. On the next page, the sentence "There are just too many examples, some horrific, to ignore the problem" sounds like rhetoric without citing an example.

56 -- We should not claim that some "unfortunate cycle" in which lack of minority trust in law enforcement is making it difficult to attract minorities to policing, unless we have studies to support it.

58 -- The concluding paragraph is hopelessly trite and naive -- suggesting that children's world views will be shaped only by the investments we make or don't make in them and not, for example, by whether or not they grow up in neighborhoods that are safe. It suggests that if we just spent money on schools instead of prisons, everything would be fine. But the real world is more complicated than that. If we don't keep children safe, they won't grow up. If we don't make neighborhoods safe, there won't be enough jobs, or taxes to pay for decent schools. If we don't continue to reduce crime, we will see more racial and class isolation, not less. So if our goal is to promote an honest dialogue about America's problems, let's not fall back on truisms like schools are better than jails.

#### OTHER CHANGES

p. (Intro)-8: As noted above, the new litany of "opportunity, community, heart" is ridiculous. The President can't and shouldn't walk away from "responsibility" in his race book. It was the central theme of the most important speech he has given on the subject, in Memphis.

P. (Intro)-10: As noted above, it would be inconsistent with the President's whole career to lay out three new rights without talking about responsibilities.

p. (I)-22: This page refers to "hidden bigots" like "the teacher in your child's school, a policeman who might detain you, or your supervisor at work". "Hidden bigot" is not a phrase to throw around lightly. It's certainly not fair to single out teachers and police, who are no more likely to hold racist views than people in other professions, and should not be stereotyped.

#### EDUCATION

5 -- The paragraphs on vouchers don't fit, and don't make sense. For

one thing, the President is opposed to the federal use of funds for vouchers, not vouchers themselves. Moreover, we're just asking for trouble if we imply that vouchers will reinforce race and class segregation. This section should be dropped.

17 -- These three principles don't exactly sing. The first principle ought to be along the lines of "First, we must eliminate racial disparities in education by raising expectations for everyone and doing more to help everyone meet those expectations -- because every child can learn."

28-29 -- The draft suggests we have given lip service and made compromises in our ideals, but doesn't say how.

32 -- Testing and standards should be discussed later, under expectations and accountability (p. 41), not as the introduction to a section on school equity. And we're for the standards movement. We're for high standards now and everywhere -- not down the road after every aspect of unequal funding has been addressed.

34 -- We have a host of proposals in our ESEA package to improve the quality of teaching for poor and minority children. They're not mentioned.

44 -- [ask EK re civil rights laws]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 14:13:17.00

SUBJECT: Radio Address Meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

TEXT:

Loretta would like to hold a meeting today at 2:30 pm (sorry for the short notice) to discuss the topic of the radio address.

Pls let me know if that's an inconvenience. thank you

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

Automated Records Management System  
Hex-Dump Conversion

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

CREATION DATE/TIME:25-MAR-1999 14:22:27.00

SUBJECT: Hate crimes/Shepards

TO: Elena Kagan ( CN=Elena Kagan/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWNTO: Bruce N. Reed ( CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWNCC: Mary L. Smith ( CN=Mary L. Smith/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

I asked Counsel (Eddie Correia) and DOJ about having the Shepards and Bryds at our hate crimes event. Chuck Ruff said fine to have them but is strongly against having them in a small picture with POTUS. See below. But the President is going to want to say something to them. I'm thinking that maybe: 1. they could meet with the President separately beforehand -- even without photos and 2. they could be in a larger shot of supporters of new legislation including POTUS, members of congress and civil rights /police groups. Eddie was going to check this out. Ideas?

----- Forwarded by Thomas L. Freedman/OPD/EOP on 03/25/99  
02:09 PM -----

Edward W. Correia

03/25/99 01:40:50 PM  
Record Type: RecordTo: Thomas L. Freedman/OPD/EOP, Mary L. Smith/OPD/EOP, Richard Socarides/WHO/EOP  
cc:  
Subject: Hate crimes event

I've asked DOJ to consider the question of the President appearing with the Shepard and Byrd family members. The tentative Counsel's Office formulation is that they can come to a large meeting but that they should not be photographed with the President and we should not pay their expenses to come. A question we have not quite resolved is whether they can stand behind the President in a large group picture. Of course, they can speak out individually however they want, including outside the White House. Wade Henderson's tentative reaction was that the groups could raise the money to bring them here if necessary. I'll let you know DOJ's reaction.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 14:45:53.00

SUBJECT: Other Minor Changes to the Daschle bill

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

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

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

TEXT:

The AFL-CIO recommended a few other smaller changes to the Daschle bill. We vetted them with OMB, EEOC, Labor, Justice, CEA, and NEC who have agreed to the following: (1) removing the establishment limitation from class actions so that class members don't have to work at the same physical location; and (2) extending the non-retaliation provision to applicants as well as employees. One other change that even EEOC didn't agree with was a change to the fourth affirmative defense which would limit employers from arguing that they paid women unequally because the market permits it. Ellen Vargyas thought we could be seen as telling employers how to pay their employees, getting very close to issues of comparable worth. If you are fine with these changes, we could tell Daschle's staff. Let us know. Thanks, Mary ===== ATTACHMENT 1 ===  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D69]MAIL467106692.036 to ASCII,  
The following is a HEX DUMP:

FF575043BA040000010A02010000000205000000820F000000020000C32CF66A3BFC66E0AAEAD0  
10553342C021CD171B50A2D14FDA6055DA7C3AFD8C444426A50A682F91F280B68A65187E2D15AF  
B63B01E050B5055830294E4A2AB33CA924A78E097F8C5E8BD4D96CE96D00CA4797718053A8523B  
CB47E11257685E16F809C6D04C2E0DAF6E1B0BEB3D56CF78AEF35D90843EC9A4D281AABECA9567  
2301D45FDA44E86916AE1105D98B4D4204C358850A8828325166EF101CA7DE6B144E619559A106  
4EB18283CCF6D8763560A60E2A8B211B25903A456858AE5A25B59FED8D76B156A4CF0DC7E8EC0B  
29FC719490FBCB7F66970CE61CED9A1FE433B8685C07F73A1E42A12DABA9119F9A219F27BB6ED4

3-24-99 Changes to Daschle Bill that we could support:

Commerce, OMB, EEOC, Labor, Justice, CEA, and NEC have agreed to these changes.

1. **Eliminate establishment limitation in class action suits.** In last year's changes to the Daschle legislation, we eased the requirements for class actions suits under the Equal Pay Act. Specifically, the Daschle bill **amends the procedures for filing class actions under the EPA to conform with the general procedural rules for filing federal class actions in other areas of the law (class members opt out rather than opt in).** This proposed change would eliminate the establishment requirement for class actions which currently requires all class members to work at the same physical location. We propose removing this requirement in furtherance of our change last year.
2. **Extend non-retaliation provision to applicants not just to employees.** Last year, we supported a non-retaliation provision that prohibits retaliation against any "employee" because she has inquired about, discussed or disclosed wage information. Title VII prohibits discrimination against employees and "applicants." Extending the EPA to applicants would simply mirror Title VII. Because most acts made unlawful by the EPA also violate Title VII, this will simply assure that persons who proceed only under the EPA are not penalized.

The agencies, including EEOC, don't recommend the following change:

3. **Market-based defense.** The AFL suggested limiting the scope of the "catch all" fourth affirmative defense under the EPA. Under the EPA, a defendant is permitted to argue that it pays women unequally because of "any other factor other than sex." Case law has prohibited employers from arguing broadly that they pay unequally because the market permits it. However, employers have been able to argue that the "market value" of this particular employee is less than another. Because of the lack of clarity of the case law, the difficulty of drafting legislative language, and closeness of this issue to comparable worth, even EEOC recommend against this change. EEOC thought that would we could be seen as telling business what they should pay their employees and, therefore, be getting into the comparable worth issues.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 14:46:01.00

SUBJECT: VP in New Hampshire tomorrow -- likely Q&A on special education

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:

FYI: The VP will be in New Hampshire tomorrow, and is doing an interview with WMUR.

I think he could get a question on special education funding. I was basically going to use our current Q&A --including the sentence saying that we need to fund increases in both IDEA and class size. My guess is that the VP will want to make very clear that he supports increased funding for special education. But I'll draft a paragraph for his briefing explaining why it's important for him to avoid going too far on this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 14:46:42.00

SUBJECT: Voucher bill passes in Florida House

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: Bethany Little ( CN=Bethany Little/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

An article from the Miami Herald follows on Jeb Bush's "A-Plus" school reform bill -- which passed the Florida House yesterday and calls for:

- annual testing in grades 3-10,
- a prohibition on social promotion, ratings for public schools,
- tougher standards for teacher certification and extra money for those who score well,
- monetary rewards for excellent and improving schools,
- freedom from regulations for the top-rated schools,
- changes to fix failing schools, and
- allowing students attending failing schools to either attend a better-rated public school or use a state voucher to attend a private school (including religious schools) .

It faces a bigger fight in the Florida Senate, but is expected to pass. The bill would make Florida the first with a statewide offering of tuition vouchers.

Miami Herald  
3/24 9:32 pm

The question of

state-paid tuition for private schools will be answered along party lines, the Republicans running the Legislature rallying around Gov. Jeb Bush's plan, while Democrats warn of the demise of public education.

The public already has cast its vote, Republican sponsors said on the House floor

Wednesday: Floridians last year electing Bush, with his campaign pledge to overhaul the schools. But Democrats, losing the voucher battle in the Legislature this spring, hope to hang it around the necks of Republicans in elections ahead.

For children in "failing" public schools, Republican lawmakers are ready to open

doors to private schooling with state-paid tuition.

In the 'opportunity scholarships' that the House stands ready to approve today -- the Senate expected to follow soon -- supporters see a new source of competition and motivation for improving schools.

'We are issuing a challenge to public education,' said Rep. Alex Diaz de la Portilla, sponsor of a bill debated all-day in the House Wednesday, separating Republicans and Democrats like warring Revolutionary armies.

'If you educate children, there will be no opportunity scholarships,' said Diaz de la Portilla, R-Miami. 'If you do not educate children, we will have to respond. It will be our moral obligation to give those children an alternative to the school in which they are failing.'

Opponents: Plan robs children

Opponents say this will only rob children, and money, from the public schools that need the most help -- and enable 'fly-by-night' private schools to open as state-funded magnets for families fleeing public schools.

'This is really a sad day for the families of children in the public schools,' Rep. Lois Frankel, D-West Palm Beach, told the House. 'It is the public schools that are the underpinning of democracy. When we take money from the public schools, we are undermining the democracy of this country.'

For Bush, who campaigned with a promise to pursue his 'A-Plus' plan for education, the Republican-run Legislature's response represents a promise fulfilled. Votes on controversial amendments Wednesday were defeated almost strictly along party lines -- most Republicans upholding the bill, most Democrats fighting it. The Senate's Education Committee approved its version this week by 6-4, also along party lines.

Opponent Rep. Larcenia Bullard, D-South Dade, asked why lawmakers aren't seeking a statewide referendum on legislation so far-reaching. 'It was on the ballot,' Diaz de la Portilla replied, 'when now-Gov. Jeb Bush made it a cornerstone of his campaign.'

'This is something I have been advocating for a long time,' said Bush, following

the debate with pride on a television in his office. "It's kind of the full circle. You advocate, you fight for your beliefs, you try to draw support for it, and you see all these people implementing it. . . . It's exciting."

A future albatross for GOP?

Democrats, losing the vote, hope to saddle the Republican Party with vouchers in next year's elections. Like the impeachment of President Clinton, one leader hopes, vouchers could become an albatross for the GOP once people start to see the impact of the governor's plan.

"They weren't listening during the impeachment process, and now they are not listening at the state level," Senate Democratic Leader Buddy Dyer, D-Orlando, told fellow senators during a Democratic caucus Wednesday.

The governor's plan proposes new measures of progress for all public schoolers and the schools they attend. With annual testing in grades 3 through 10 -- sitting for a tough, new Florida Comprehensive Assessment test -- the state will start assigning grades to the schools themselves.

The bill (CS for H 751) prohibits "social promotion" -- preventing advancement from one grade to the next for students who fall short of what is expected of them. It proposes tougher standards for teacher certification, and additional money -- 5 percent more -- for teachers whose students score well.

For schools A-graded and improving, the legislation offers additional money, \$100 for every student, to be spent as principals see fit. It frees the top-rated public schools from much regulation.

For schools F-graded and slipping, it proposes changes -- new curriculum, new faculty, money for smaller classes, whatever it takes to boost the school's grades.

And for children in these schools, it offers an option of attending a higher-scoring public school, or attending a private school with state-paid tuition -- the "opportunity scholarship."

The state will offer a private school somewhat more than \$4,000 in tuition for a typical student -- much more for kids with special needs, such as learning disabilities. The state will bar private schools from collecting any additional tuitions,

and p

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 14:49:32.00

SUBJECT: LRM CJB26 - - EDUCATION Draft Bill on College Completion Challenge Grant P

TO: Constance J. Bowers ( CN=Constance J. Bowers/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: Daniel J. Chenok ( CN=Daniel J. Chenok/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: Robert G. Damus ( CN=Robert G. Damus/OU=OMB/O=EOP@EOP [ OMB ] )  
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: Leslie S. Mustain ( CN=Leslie S. Mustain/OU=OMB/O=EOP@EOP [ OMB ] )  
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: Nancy J. Duykers ( CN=Nancy J. Duykers/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: Daniel I. Werfel ( CN=Daniel I. Werfel/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Howard Dendurent ( CN=Howard Dendurent/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: Peter Rundlet ( CN=Peter Rundlet/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: Jennifer S. Kron ( CN=Jennifer S. Kron/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

LRM JUSTICE ( LRM JUSTICE [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:  
To follow, in 3 parts (a total of ~13 pages), as labeled, is ED's draft bill to authorize the College Completion Challenge Grant Program. Please provide any comments by:  
12:00 noon, Tuesday, March 30, 1999

click here for  
bill text (~7 pps)

click here for sectional  
analysis (~4 pps)

click here for draft  
transmittal letter (~2 pps)

----- Forwarded by Constance J. Bowers/OMB/EOP on  
03/25/99 02:40 PM -----  
LRM ID: CJB26  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Thursday, March 25, 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 College Completion Challenge Grant Program

DEADLINE: noon Tuesday, March 30, 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:

DISTRIBUTION LIST

AGENCIES:

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

EOP:

- Barbara Chow
- Sandra Yamin
- Barry White
- Wayne Upshaw
- Jennifer S. Kron
- Leslie S. Mustain
- Jonathan H. Schnur
- Tanya E. Martin
- Elena Kagan
- William H. White Jr.
- Peter Rundlet
- Robert G. Damus
- Rosalyn J. Rettman
- Pamula L. Simms
- Howard Dendurent
- Daniel J. Chenok
- Daniel I. Werfel
- James J. Jukes
- Janet R. Forsgren

LRM ID: CJB26 SUBJECT: EDUCATION Draft Bill on College Completion Challenge Grant Program

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:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Constance J. Bowers Phone: 395-3803 Fax: 395-6148  
Office of Management and Budget  
Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: \_\_\_\_\_ (Date)  
 \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Agency)  
 \_\_\_\_\_ (Telephone)



## A BILL

To assist institutions of higher education help at-risk students stay in school and complete their 4-year postsecondary academic programs.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, this Act may be cited as the "College Completion Challenge Grant Program of 1999*

### PROGRAM AUTHORIZED

SEC. 101. Subpart 2, Chapter A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1132a et seq.) is amended by adding at the end thereof the following new chapter:

"CHAPTER 4? COLLEGE COMPLETION CHALLENGE GRANT  
PROGRAM

### "FINDINGS

"SEC. 408A. Congress makes the following findings:

"(1) Students from low-income families are significantly more likely to leave a 4-year institution of higher education without a baccalaureate degree than are students with higher incomes.

"(2) Even among students with above average grades, low-income students are still more likely to leave a 4-year institution of higher education without a baccalaureate degree than are students with higher incomes, especially low-income students enrolled at private institutions.

"(3) This lack of persistence to completion of a baccalaureate degree continues to contribute to the gap in educational attainment and ultimate income levels between disadvantaged students and their more affluent classmates.

"(4) While the focus of Federal student financial assistance and higher

education programs has traditionally been to ensure access to postsecondary education, the Federal Government should expand its role in student financial assistance programs for postsecondary education to address this lack of persistence to baccalaureate degree completion.

"(5) The amount of grant assistance provided to postsecondary students is critical to their persistence and degree attainment.

"(6) In addition to economic disadvantage, the following factors significantly contribute to a student dropping out of a 4-year institution of higher education:

"(A) a delayed entry into postsecondary education after graduating from high school.

"(B) a low grade point average.

"(C) working full-time while enrolled.

"(D) being a first-generation college student.

"(E) being less engaged with an academic program.

#### "PURPOSE AND PROGRAM AUTHORITY

"SEC. 408B. (a) PURPOSE. The purpose of this program is to assist institutions of higher education to help students who are at risk of ending their postsecondary education prior to obtaining baccalaureate degrees, particularly those who are economically disadvantaged, to stay in school until they complete those degrees.

"(b) PROGRAM AUTHORIZED. From funds appropriated pursuant to section 408G for each fiscal year, the Secretary shall, in accordance with the requirements of this chapter, award competitive grants to eligible institutions to enable them to pay the Federal share of the costs of carrying out programs designed to meet the purpose of this chapter.

"(c) A grant made under this chapter shall be awarded for a period of 3 years.

#### "INSTITUTIONAL ELIGIBILITY

"SEC. 408C. (a) IN GENERAL. ?An institution of higher education is eligible to receive a grant under this chapter if the institution?

"(1) meets the requirements of section 102; and

"(2) awards baccalaureate degrees, or, subject to subsection (b)(1), associate degrees.

"(b) LIMITATIONS.?

"(1) ASSOCIATE DEGREE-GRANTING INSTITUTIONS. ?An eligible applicant that awards only associate degrees may apply for a grant under this chapter only as part of a consortium that includes one or more institutions of higher education that awards baccalaureate degrees.

"(2) MULTIPLE GRANTS. ?An institution that receives a grant under this chapter may compete to receive ~~an additional~~ a subsequent grant, but may only receive a maximum of two grants under this chapter.

#### "APPLICATION PROCESS

"SEC. 408D. (a)(1) IN GENERAL. ?Each eligible applicant that desires a grant under this chapter shall submit to the Secretary an application for that grant at such time and containing such information as the Secretary may prescribe.

"(2) DEMONSTRATION OF PRIOR COMMITMENT. ?In order to receive a grant under this chapter, an applicant shall demonstrate in its application, to the satisfaction of the Secretary, its successful prior commitment to the purposes of this chapter, through the prior support of at least one of the activities described in section 408E(a).

"(b) MATCHING REQUIREMENT.?(1) IN GENERAL. ?The Federal share of

the cost of programs assisted under this chapter shall not be more than 50 percent, and the matching funds shall be from non-Federal sources.

"(2) The Secretary may establish in regulations the matching requirement applicable to a consortium of institutions in which some of the institutions are eligible for a waiver of the matching requirement pursuant to section 395 or section 515.

"(c) COORDINATION REQUIREMENT. Each eligible institution shall ensure that the activities provided under this chapter are, to the extent practicable, coordinated with, complement, and enhance related services under other Federal and non-Federal programs, and do not duplicate the services already provided at that institution.

"(d) SUPPLEMENT, NOT SUPPLANT. Funds under this chapter shall be used to supplement, and not supplant, non-Federal funds expended for existing programs.

#### "USE OF FUNDS

"Sec. 408E. AUTHORIZED ACTIVITIES. (a) IN GENERAL.--An eligible institution that receives a grant under this chapter shall, except as provided in subsection (b), use the grant to carry out one or more of the following:

"(1) Implementing an intensive summer program for incoming first-year students, students entering their second year of postsecondary education, or students entering their third year of postsecondary education, provided that the institution demonstrates in its application that it has a strong commitment to student retention through additional activities.

"(2) Developing a strong student support service program, targeted to students in their first two years of postsecondary education, that includes activities such as:

"(A) peer tutoring;

"(B) mentoring programs involving faculty or upper class

students;

"(C) activities to assist students currently enrolled in a 2-year institution to secure admission and financial assistance in a 4-year program of postsecondary education;

"(D) activities to assist students in securing admission and financial assistance for enrollment in graduate and professional programs;

"(E) assistance in course selection; and

"(F) cultural events.

"(3) Providing grants to students in their first two years of postsecondary education, in an amount not less than required under subsection (c), except that a recipient that provides grants under this paragraph shall also provide services under paragraphs (1) or (2), or both.

"(b) SPECIAL RULE. A recipient of a grant under this chapter may serve students who have completed their first two years of college if it can demonstrate in its application, to the satisfaction of the Secretary, that those students are at risk of failing to make the transition from a 2-year program of instruction to a baccalaureate degree program.

"(c) GRANT SIZE. (1) IN GENERAL.--The Secretary may, by regulation, establish minimum student grant award levels for purposes of subsection (a)(3), taking into account such factors as the different costs of attendance associated with public and private institutions.

"(2) EXCEPTION. If the Secretary does not establish minimum student grant award levels under paragraph (1), or if an institution wishes to provide grants under subsection (a)(3) in an amount less than the minimum set by the Secretary, the institution shall demonstrate in its application, to the satisfaction of the Secretary, that the size of the grants it will provide is appropriate and likely to have a significant effect on the persistence problem at that institution.

"RELATION TO OTHER STUDENT FINANCIAL ASSISTANCE

"Sec. 408F. RELATION TO OTHER FINANCIAL ASSISTANCE. ?A grant provided to a student by an eligible institution from an award made under this chapter shall not be considered in determining that student's need for grant, ~~loan,~~ or work assistance under this title, except that in no case shall the total amount of student financial assistance awarded to a student under this title exceed that student's cost of attendance, as defined by section 472.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 408G. AUTHORIZATION OF APPROPRIATIONS. ?(a) IN GENERAL.--There are authorized to be appropriated to carry out this chapter \$35,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years. "(b) SPECIAL RULE.-- From the amounts appropriated under subsection (a) for any fiscal year, the Secretary may reserve up to 1 percent of such amount for that fiscal year in order to carry out an evaluation of the program authorized by this chapter."

EFFECTIVE DATE

SEC. 102. The amendments made by section 101 shall be effective on October 1, 1999.

03/09/1010:13 AM DRAFT--NOT CLEARED BY ED OR OMB

THE COLLEGE COMPLETION ACT OF 1999  
Section-by-Section Analysis

Section 101. Section 101 of the bill would amend subpart 2, Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1132a et seq., hereinafter referred to as the Act) by adding a new chapter 4, authorizing the College Completion Challenge Grant Program.

Proposed new section 408A of the Act would set out the Congressional findings for the new chapter. Students from low-income families are significantly more likely to leave a 4-year institution of higher education without a baccalaureate degree than are students with higher incomes. Specifically, the baccalaureate degree attainment rate for full-time students from families from the bottom income quartile was 23 percentage points less than the rate for full-time students from families from the top income quartile (44.5% vs. 68.4%).

Even among students with above average grades, low-income students are still more likely to leave a 4-year institution of higher education without a baccalaureate degree than are students with higher incomes, especially at private institutions. Contributing to the gap in educational attainment between disadvantaged students and their more affluent classmates is the fact that the focus of Federal student financial assistance and higher education programs has traditionally been to ensure access to postsecondary education, and not on the lack of persistence to a baccalaureate degree. The amount of grant assistance provided to postsecondary students is also critical to their persistence and degree attainment. Through this bill, the Federal Government would expand its role in student financial assistance programs for postsecondary education to address this lack of persistence to baccalaureate degree completion.

In addition to economic disadvantage, a number of other factors contribute significantly to a student dropping out of a 4-year institution of higher education. Those factors include: a delayed entry into postsecondary education after graduating from high school; a low grade point average; working full-time while enrolled; being a first-generation college student; and being less engaged with an academic program. Grants to institutions under this program would assist these institutions in providing services that could mitigate the effects of these factors on a student's likelihood of dropping out of a 4-year institution of higher education.

Proposed new section 408B of the Act would establish the program's statement of purpose and program authority. Under proposed new section 408B(a), the purpose of this chapter would be to assist institutions of higher

**03/09/1010:13 AM DRAFT--NOT CLEARED BY ED OR OMB**

education to help students who are at risk of ending their postsecondary education prior to obtaining a baccalaureate degree, particularly those who are economically disadvantaged, to stay in school until they complete their baccalaureate degrees. Proposed new section 408B(b) would authorize the Secretary, from funds appropriated for each fiscal year and in accordance with the requirements of this chapter, to award competitive grants to eligible institutions to enable them to pay the Federal share of the costs of carrying out programs designed to meet the purpose stated in proposed new section 408B(a).

Proposed new section 408C of the Act would establish the institutional eligibility requirements for receiving a grant under this chapter. Section 408C(a) would provide that eligible applicants for grants under this chapter would be institutions of higher education that meet the requirements of section 102 of the Act, the definition of an institution of higher education used for purposes of title IV, and that award baccalaureate or associate degrees. An institution that awards only associate degrees, however, could apply for a grant under this chapter only if it applied as part of a consortium that included one or more institutions of higher education that awarded baccalaureate degrees. Proposed new section 408C would also establish the requirement that an institution that receives a grant under this chapter may receive no more than two such grants.

Proposed new section 408D of the Act would establish the application process requirements. Proposed new section 408D(a) would provide that an applicant that desires a grant under this chapter must submit to the Secretary an application at such time and containing such information as the Secretary may prescribe. Proposed new section 408D would also require that an applicant demonstrate in its application, to the satisfaction of the Secretary, its prior successful commitment to assisting institutions of higher education to help students who are at risk of ending their postsecondary education prior to obtaining a baccalaureate degree stay in school until they complete those degrees. Institutions are primarily responsible for ensuring the success of their students. The new program is therefore intended to assist institutions that have made efforts to increase the retention of students.

Proposed new section 408D(b) would describe the matching requirement for institutions that receive a grant under this chapter. Proposed new section 408D(b)(1) provides that the Federal share of the cost of the program must be not more than 50%, and the matching funds must be from non-Federal sources. However, the Secretary intends to use his authority under section 395 of the Act to waive this matching requirement for institutions eligible for assistance under Part A or B of title III, and under section 515 of the Act to waive the matching requirement for institutions eligible for assistance under title V. The Secretary

**03/09/1010:13 AM DRAFT--NOT CLEARED BY ED OR OMB**

also intends to regulate on the matching requirement as it would apply to a consortium of institutions in which only some of the institutions would be eligible for the waiver of the matching requirement.

Proposed new section 408D(c) of the Act would require institutions applying for a grant to ensure that the activities it would provide if it received a grant under this chapter would be coordinated with, complement, and enhance related services under other programs, and would not duplicate services already provided at that institution. Proposed new section 408D(d) of the Act would provide that funds under this chapter would have to be used to supplement, and not supplant, non-Federal funds expended for existing programs.

Proposed new section 408E of the Act details the authorized uses of funds received under this chapter. Proposed new section 408E(a) would establish the three types of activities for which institutions could use funds received under this chapter: intensive summer programs, student support services, and grants for students. While summer intensive programs have been shown to be effective in increasing student persistence, they are only effective when the institution is committed to student retention. Therefore, institutions could implement an intensive summer program for incoming first-year students, students entering their second year of postsecondary education, and students entering their third year of postsecondary education, but could do so only if they could demonstrate a strong commitment to student retention through other activities.

Under proposed new section 408E(a)(2), an institution could also use funds under this chapter to develop a strong student support service program, targeted to students in their first two years of postsecondary education. This could include activities such as peer tutoring; mentoring by faculty or upper class students; activities to assist students currently enrolled in a 2-year institution secure admission and financial assistance in a 4-year program of postsecondary education; activities to assist students in securing admission and financial assistance for enrollment in graduate and professional programs; course selection assistance; and cultural events.

Finally, proposed new section 408E(a)(3) would provide that institutions could use funds received under this chapter to provide grants to students in their first two years of postsecondary education, but only if it also provided an intensive summer program for incoming first-year students, or developed a student support service program, targeted to students in their first two years of postsecondary education, or both. The goal of the program is not simply to create another Federal grant program. The grant aid provided under the new program would be in the context of specific efforts to increase student success.

03/09/1010:13 AM DRAFT--NOT CLEARED BY ED OR OMB

Although this program would require institutions to target services to students in their first two years of postsecondary education, proposed new section 408E(b) would allow an institution to serve students who have completed their first two years if it could demonstrate in its application, to the satisfaction of the Secretary, that those students are at risk of failing to make the transition from a 2-year program of instruction to a baccalaureate degree program. While most students leave during the first two years of college, some do leave during the subsequent years. Since this is especially true for institutions that enroll large numbers of students that transfer from a community college, the program would allow those students to be served in subsequent years.

Proposed new section 408E(c)(1) of the Act would provide the Secretary with the authority to set, by regulation, a minimum student grant award level for those institutions that provide grants to students. In setting a minimum student grant award level, the Secretary would take into account such factors as the different costs of attendance associated with public and private institutions. If the Secretary did not establish a minimum student grant award, or if an institution wanted to provide a grants below the minimum set by the Secretary, proposed new section 408D(c)(2) would require the institution to demonstrate in its application, to the satisfaction of the Secretary, that the size of the grants it would provide were appropriate and likely to have a significant effect on the persistence problem at that institution.

Proposed new section 408F of the Act would describe how a grant to a student would affect the calculation of that student's need for other title IV assistance. Under proposed new section 408F, a grant provided to a student by an eligible institution from an award made under this chapter would not be considered in determining that student's need for grant, or work assistance under title IV of the Act. However, the total amount of financial assistance awarded to a student under title IV, including a grant provided under this chapter, could not exceed that student's cost of attendance, as defined by section 472 of the Act.

Proposed new section 408G(a) of the Act would authorize the appropriation of \$35,000,000 to carry out this program for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years. Proposed new section 408G(b) of the Act would authorize the Secretary to reserve up to 1% of the appropriation for that fiscal year in order to carry out an evaluation of the program authorized by this chapter.

Section 102. Section 102 of the bill would state that this bill is effective on October 1, 1999.

Dear Mr. Speaker:

I am pleased to submit for your consideration the "College Completion Challenge Grant Act of 1999", a legislative proposal that would assist institutions of higher education to expand their efforts to increase the rate at which low-income and other at-risk students complete baccalaureate degree programs.

Students from low-income families are significantly more likely to leave a 4-year institution of higher education without a baccalaureate degree than are students from families with higher incomes. Only 45 percent of students from low-income families who were enrolled full-time during their first year of college complete a baccalaureate degree within five years. This completion rate is 23 percentage points lower than the 68.4 percent completion rate among students from upper-income families.

In addition to economic disadvantage, a recent report by the National Center for Education Statistics, Stopouts or Stayouts? Undergraduates Who Leave College in Their First Year, concludes that there are a number of factors significantly associated with students dropping out of a four-year college or university. These factors include having a low- to failing- cumulative GPA (under 2.0); delaying entry into postsecondary education after graduating from high school; being less engaged with their academic program; working full time while enrolled; and being a first-generation college student. This legislative proposal would allow institutions of higher education to help mitigate those factors most significantly associated with the failure to complete baccalaureate degree programs.

Specifically, there are three different forms of services or assistance that an institution could provide under the proposed new College Completion Challenge Grant Program. An institution could implement an intensive summer program, develop strong student support services, provide direct grant aid to students, or a combination of these activities.

Intensive summer programs could be provided only if the institution demonstrates in its application that it has a strong commitment to student retention through additional activities. Support services under the proposed new program could include peer tutoring, mentor programs, activities to assist students currently enrolled in a 2-year institution to secure admission and financial assistance in a 4-year program of postsecondary education, activities to assist students in securing admission and financial assistance for graduate and professional programs, assistance in course selection, and cultural events. If an institution chose to provide grants to students under the proposed new College Completion Challenge Grant Program, it would be required to do so in combination with at least one of the other two authorized activities and those grants would have to meet certain minimum amounts and would supplement other Federal grant assistance, such as Federal Pell Grants.

While each institution would determine which combination of services and assistance to

offer for its at risk students, the particular services and assistance that would be available under this proposal are designed to address the factors most significantly associated with the failure to complete baccalaureate degree programs. Support services and intensive summer programs would help to address the factors of the low GPA, less engagement with the academic program and first-generation college student status. Intensive summer programs offered for students entering their first year of postsecondary education would also help prevent students from delaying their entry into college. Finally, a substantial increase in grant aid would reduce some students' need to work full time while enrolled, and address some of the concerns of a first generation college student regarding student loan debt burden and the availability of adequate financial aid.

Since low-income and at-risk students are most likely to leave a program of postsecondary education during the first two years, an institution would be required to focus services and assistance on students in their first two years of postsecondary education. Another critical point for at risk students is the transition from a 2-year program of instruction to a baccalaureate degree program, and institutions could also provide services under the proposed new College Completion Challenge Grant Program to students at risk of failing to make that transition.

This legislative proposal would help to eliminate the discrepancy that currently exists in baccalaureate degree attainment rates for students of low- and high-income families by supporting the specific activities that research has shown to improve student retention for students at-risk of leaving a 4-year institution without a baccalaureate degree. It would build on the successes of the TRIO and student financial assistance programs by combining selected elements of each and narrowly focusing that combination of services and assistance on students in the early years of postsecondary education. It would also build on the successes of the participating institutions, requiring institutions to demonstrate a prior successful commitment to helping low-income and other at-risk students stay in school until they complete their baccalaureate degrees. I urge the speedy enactment of the "College Completion Challenge Grant Act of 1999" by Congress. It would help to ensure that all Americans not only have access to postsecondary education, but also the support necessary to ensure that they complete that education and receive their degrees.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to the Congress and that its adoption would be in accord with the program of the President.

Yours sincerely,

Richard W. Riley

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 14:54:17.00

SUBJECT: This seems pretty fair

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

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

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

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

TEXT:

ALL TOO HUMAN: A POLITICAL EDUCATION

BY GEORGE STEPHANOPOULOS  
LITTLE BROWN AND COMPANY  
NONFICTION, 456 PAGES

BY JAKE TAPPER | The dish immediately takes on  
the tone of a spurned lover: "It was how I

felt

around him: uniquely known and needed ...  
Clinton spoke to the me yearning to be singled  
out." Soon, however, the president turns out

to

be a cad, so his confidences are betrayed, on  
page after page, with an air of

righteousness. The

betrayal comes across as shallow, deluded,

naive,

appallingly star struck and disgustingly

ambitious

-- qualities that, combined with all the

stress the

roguish Clinton causes, eventually necessitate  
therapy and psychotropic drugs.

self-loathing

No, this isn't "Monica's Story" -- it's former  
presidential aide George Stephanopoulos'  
456-page, \$27.95 tour de force of

Political

and self-promotion, "All Too Human: A

the

Education." A poorly written fable about an  
arrogant young Greek who flies too close to

mainly

sun and crashes to the ground -- call it the  
tragedy of Prickarus -- it's recommended

up.

to those who already loathe Stephanopoulos and  
desire more evidence to back their feelings

If only the Clintons had provided as much documentation on Whitewater! Exhibit A

relates, obviously, to the inevitable question of whether Stephanopoulos should have written the book at all -- especially while his former boss still sits in the "Oval," as he smugly refers to the Oval Office. His treachery would be more forgivable if his gossip were interesting or insightful or even well-rendered. But most of the back-room scenes Stephanopoulos offers have been divulged before, and better, by Washington Post reporters Bob Woodward and David Maraniss, and the qualities that make Clinton a fascinating psychological study were conjured far more vividly by Joe Klein in the first half of "Primary Colors." Oddly, instead of the ultimate insider's look at a president who was last seen in the Starr Report masturbating into a sink, we're treated to only a few new details. There's little actual news in the book beyond its having been written at all.

that Why not? Well, the tone suggests that even though "All Too Human" disses the president, Stephanopoulos believes, or at least hopes, he may someday return to Clinton's forgiving arms. Not unlike Monica Lewinsky, he seems to bear more than a touch of unrequited love for the man who now refuses to let aides mention his name in his presence. However pathetic that seems, it's actually one of Stephanopoulos' more endearing qualities.

the According to the flap copy, the book offers "a candid, sometimes merciless self-portrait of author, whose drives, vanities, and insecurities, along with everyone else's, peppered the playing field of the biggest game in town." That's not what a inaccurate, though I wonder if he realizes little shit he comes across as. Yes, he

heartily

'fesses up to some foibles of his own -- he condemns himself for craving "power and celebrity," yet he does so in the pursuit of power and celebrity. It'd be a neat trick if he could pull it off, but the flaws he acknowledges get in the way of his story.

power

could pull it

way

His greatest curse is his short-sightedness.

It isn't

his fault that he became a star-fucking Machiavelli: "The power and celebrity I had craved were ... exacting their price." Those

damn

gods of Power and Celebrity! Even while he's calling himself on his ambition, he's still

excusing

his misdeeds. "My motive may have been unassailable, but my judgment was dead wrong," he says about his horrendous advice that the president refrain from taking responsibility

for the

carnage in Waco.

His cluelessness is captured in a passage describing a TelePrompTer mishap during Clinton's health-care address to Congress:

"The

thought of the president trying to

concentrate on

his delivery as gobbledygook whirred by his

eyes

made me sick with worry -- for him and me.

This

screwup might not have been my fault, but it

was

my responsibility. 'This is the worst thing

that's

ever happened,' I muttered. 'I dunno,' replied Mike Feldman, the vice president's aide, 'the Holocaust was pretty bad.' Very funny."

I know how Feldman must have felt. Even after Stephanopoulos has downed his weight in

Zoloft,

a haze of self-aggrandizement continues to

cloud

his view of the White House and of the world. He had no perspective then, and he still

doesn't.

Another revealing tic is his fixation on the

stature

of others -- the "little" Ross Perot, the

"short"

Klein, the "small" Dick Morris. I've seen Stephanopoulos in the gym, and he has no business pointing out the homuncloid status

of

others. And his attempts to settle scores by lambasting the back-stabbing loathsomeness of Morris, former Rep. Dave McCurdy, Al Gore and Leon Panetta are really calling the kettle black. Nice try, shorty.

Stephanopoulos writes some pretty shallow prose

for a Rhodes Scholar. He leans on show-biz analogies, alluding at various points to "The Sting," "Dr. No," "Dragnet," "The Graduate," "Gone With the Wind," "Deliverance," "The Odd Couple," "Rain Man" and the Life cereal commercial featuring Mikey. Just because he's dark doesn't mean he's deep. He seems completely unaware, for instance, that Clinton didn't just give him the opportunity of a

lifetime

-- he made him. You could pave the streets

with

former high-ranking congressional staffers;

it was

Clinton's ill-conceived dedication to Stephanopoulos that got him the "power and celebrity" he so lusted after. (The same goes

for

James Carville, Mandy Grunwald, Paul Begala and Dee Dee Myers, of course, except that none of them have betrayed the man who plucked them from obscurity.)

former

It's tough to figure out why, with all the

wake,

Clintonistas left for dead in the president's

the

Stephanopoulos survived -- especially given

his

many examples he cites of his incompetence,

White House-damaging egotism and his political tone-deafness. As he falls asleep at the wheel while Travelgate unfolds, supplies Woodward with dirt for his book "The Agenda," complains to a Treasury Department aide about the appointment of a conservative judge to investigate Whitewater -- I could go on -- you can't help wondering why he wasn't fired years ago.

is what

His dark efficiency -- or plain brutality --

must have helped him retain his job. In an attempt at complexity, he points to the "two George Stephanopouloses -- Dr. Jekyll and Mr. Hyde." He recalls a '92 incident when a former campaign driver tried to get back at then-Gov. Clinton after Stephanopoulos "forgot about" a promise he'd made the driver to help out a

local

charity: "While the driver had a final word

with

the [Nashua Telegraph] editorial board, his daughter -- who couldn't have been older than eight or nine -- waited for him in the lobby

...

the

Frayed from a month of crises, I approached

father, ' I

driver's daughter on our way out: 'Your

for all

said, looking at her as if she were to blame

ashamed

our troubles, 'is a really bad man.' I felt

the second the words escaped my mouth, but it was too late. The girl just stared back at the brutal zealot I'd become, and I couldn't argue with her, or change the subject, or even spin myself."

ego had

Here Stephanopoulos owns up to the Mr. Hyde that his dedication to Clinton and his own

easy.

turned him into. But he lets himself off too

doesn't

Telling an 8-year-old that her daddy (whom Stephanopoulos had lied to about helping out a charity, no less) is a "really bad man"

make him a "brutal zealot"; it makes him a bullying asshole. I hope he doesn't think his therapy is complete.

he

Insofar as Stephanopoulos reaches for redemption through self-criticism, "All Too Human" is galling in its insincerity. Before

clear

concludes Chapter 2, he has already made it

altar-boy

that by 1992 he'd accepted the necessity of setting aside his liberal values and his

House

morality to get a Democrat into the White

only

and himself into power. Since he compromised his own values seven years ago, his incessant whining about Clinton's character now -- "if

the

this good president had been a better man,"

personal

book concludes -- comes across as wussish, immature and disingenuous. Only 53 pages into the book, it hit me that the point of "All Too Human" isn't "a political education" or

tragedy. It's

disillusionment or even treachery and

exploiting

money and marketing. Stephanopoulos, with his reported \$2.75 million book contract, is

the country's disgust and disappointment in

our

president as a career move.

worst,

As opportunistic, exploitative and phony as Clinton can be at his lip-biting, tear-faking

make

at least he's managed to enact some effective policies. Stephanopoulos is just trying to

wall,"

money. The title "All Too Human" is purposely ambiguous: Does it refer to Clinton or Stephanopoulos? Either one of them has some nerve lumping himself in with the rest of us higher primates. "Better than a fly on the

right.

Little Brown's promotional materials promise, attempting to whet our appetite for Stephanopoulos' dish. I don't know about the "better," but the insect part sounds about

SALON | March 19, 1999

correspondent. St.

Jake Tapper is Salon's new Washington

Slam: The Jesse

Martin's will publish his first book, "Body Ventura Story," in April.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 15:09:58.00

SUBJECT: Should I write a charter school/deseg Q&A?

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

TEXT:

If you want to include it in the weekly, I'll write a Q&A on the Clint Bolick editorial on Bill Lann Lee on charter schools and deseg, and Administration meetings to discuss a response to the letter as well as new civil rights guidance that would be issued by the Education Dept.

Let me know if you want to include something on this, and I'll write it up.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 15:39:06.00

SUBJECT: msg mtg

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

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

TO: Elliot J. Diringer ( CN=Elliot J. Diringer/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
READ:UNKNOWN

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

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

TO: Tomasz P. Malinowski ( CN=Tomasz P. Malinowski/OU=NSC/O=EOP @ EOP [ NSC ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

TO: Wendy E. Gray ( CN=Wendy E. Gray/OU=NSC/O=EOP @ EOP [ NSC ] )  
READ:UNKNOWN

TO: Ted Widmer ( CN=Ted Widmer/OU=NSC/O=EOP @ EOP [ NSC ] )  
READ:UNKNOWN

TO: David Halperin ( CN=David Halperin/OU=NSC/O=EOP @ EOP [ NSC ] )  
READ:UNKNOWN

TO: Chandler G. Spaulding ( CN=Chandler G. Spaulding/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: Karin Kullman ( CN=Karin Kullman/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

TO: Sharon K. Gill ( CN=Sharon K. Gill/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: Minyon Moore ( CN=Minyon Moore/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

CC: Alejandro G. Cabrera ( CN=Alejandro G. Cabrera/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

CC: Joseph D. Ratner ( CN=Joseph D. Ratner/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

TEXT:

Loretta Ucelli will hold a message meeting tomorrow, March 26, in her office re: next weeks event at 3:00 p.m.

Thank you!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 15:56:57.00

SUBJECT: I meant "weekly report item" -- not Q&A

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

TEXT:

----- Forwarded by Jonathan H. Schnur/OPD/EOP on 03/25/99  
03:56 PM -----

Jonathan H. Schnur

03/25/99 03:08:46 PM

Record Type: Record

To: Elena Kagan/OPD/EOP @ EOP, Laura Emmett/WHO/EOP @ EOP

cc:

Subject: Should I write a charter school/deseg Q&A?

If you want to include it in the weekly, I'll write a Q&A on the Clint Bolick editorial on Bill Lann Lee on charter schools and deseg, and Administration meetings to discuss a response to the letter as well as new civil rights guidance that would be issued by the Education Dept.

Let me know if you want to include something on this, and I'll write it up.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 15:59:15.00

SUBJECT:

TO: ELENA (Pager) #KAGAN ( ELENA (Pager) #KAGAN [ UNKNOWN ] )  
READ:UNKNOWN

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

TEXT:

Plan to tell Daschle to draft. Page/Call if thats wrong. Tom x65587

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 16:04:06.00

SUBJECT: Sec Riley's mtg w/ Hispanic Caucus

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

TEXT:

ED staff who sat in on Sec Riley's meeting with the Hispanic Caucus report that it went well. The only major issue of contention continues to be whether the administration will use the "three-year goal" language in our ESEA legislation. Caucus members said that they were ok with any other steps we took to "operationalize" the goal (I'm not clear on exactly how that was described to the caucus).

I expect we'll get a fuller read-out on this in today's ESEA meeting.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 17:06:12.00

SUBJECT: Sen Graham Sense of Senate on Tobacco Lawsuit \$\$ for Prescription Drugs

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Bruce you asked what Chris thought. Here it is

----- Forwarded by Cynthia A. Rice/OPD/EOP on 03/25/99  
05:06 PM -----

Jeanne Lambrew

03/25/99 04:53:37 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Devorah R. Adler/OPD/EOP

Subject: revised with Chris's edits

Q. Today, Senator Graham introduced a sense of the Senate amendment that would dedicate any settlement funds from the Medicare tobacco lawsuit towards a prescription drug benefit for Medicare. Do you support this amendment?

A. The President applauds the Senator for recognizing the need for a long-overdue prescription drug benefit. His amendment is a constructive contribution to the debate about what are appropriate funding sources. The President is committed to designing and financing a meaningful drug benefit in the context of broader reforms to modernize and strengthen the Medicare program.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 17:18:18.00

SUBJECT: Video Request

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I am going to submit a request for the President to tape a video for the Campaign for Tobacco-Free Kids' Youth Advocates of the Year Awards. Is this ok with you?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sandra Yamin ( CN=Sandra Yamin/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:25-MAR-1999 17:26:17.00

SUBJECT: Hispanic Education Action Plan Meeting

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

READ:UNKNOWN

TO: Moe Vela ( CN=Moe Vela/O=OVP@OVP [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Jack A. Smalligan ( CN=Jack A. Smalligan/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

CC: Leslie S. Mustain ( CN=Leslie S. Mustain/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

CC: Wayne Upshaw ( CN=Wayne Upshaw/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

CC: Jennifer Friedman ( CN=Jennifer Friedman/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

CC: Barry White ( CN=Barry White/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We have scheduled a Hispanic Education Action Plan meeting for Wednesday, March 31 at 2:00PM in Rm 260. We have also invited Sarita Brown (WH Initiative on Educational Excellence for Hispanic Americans). Please let me know if you are unable to attend. Thank you.

Please forward this message (copy me) to anyone I may have left off.  
Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno ( CN=Irene Bueno/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1999 18:04:07.00

SUBJECT: Follow up to Immigration meeting

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

READ:UNKNOWN

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

READ:UNKNOWN

Irene Bueno ( CN=Irene Bueno/OU=OPD/O=EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Elena -

I would like to follow up with you on the Immigration meeting and to try to explain what I have been doing these last 4 weeks and why I hesitated about the schedule of meetings over the next two weeks.

First, I want you to know that I am fully committed to this job and know that I am capable of doing a good job but I know that I can and should do better. During the last 4-1/2 weeks in addition to learning new systems, meeting and calling key staff, and learning many new issues, I have been working to develop policies; to identify issues that require policy development; to hold meetings; do research; etc. but certainly I could have done more and I will do more and stay on top of policy issues in my area. For the upcoming meetings on immigration proposals, I will prepare a document that outlines policy proposals on NACARA, Late Amnesty, and Criminal Detention. On battered immigrants, I succeeded in convincing DOJ to include battered immigrant provisions in the crime bill and I am negotiating with them which proposals will be in the bill.

The reason I hesitated about the schedule of the meetings over the next two weeks is that I will be on leave. I had discussed this with Bruce when I arrived and had sent both of you a reminder e-mail earlier today. I apologize if this a surprise to you and for the problems that this causes but as I mentioned earlier, I will do everything I can to prepare materials for the upcoming meetings and when I return I will do more to stay on top of policy issues in my area.

You and I are scheduled to meet on Friday at 2 pm. If you have time to speak to night, I will be in my office all evening.

Thank you.

Irene

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 18:08:05.00

SUBJECT: Wage Gap Report

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

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

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

TEXT:

Lee Satterfield at Labor informed us that Labor will not be able to complete the wage gap report (which we announced last year at the Equal Pay event) in time for our event this year. They have had a year to do it, and, if they release it after the event, it will not get as much press. In order to get it out, I think we would have to bump it up to the Secretary level. Do you want to press the issue?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 18:44:46.00

SUBJECT: Patients' Bill of Rights -- April 9th

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Devorah R. Adler ( CN=Devorah R. Adler/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

A preliminary planning meeting about the Philadelphia PBOR event took place this week with WH communications and some House staff. Communications has requested that we start working with the Hill on press paper for the event. The Hill has taken a first stab at draft paper. I have given this draft to Chris' office to make comments. Bruce/Elena -- do you want to see this first draft before comments are made?

As of now, plans for the days' PBOR events are as follow:

D.C. event with members, and possibly VP, to unveil the on-line petition. [You should have received a draft of this petition. Please let me know asap if you have any comments/edits for this petition.] Other members will take a bus from DC to Philadelphia to participate in a large, rally-type event with the President. Location has yet to be determined.

Let me know if you have any questions. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 18:49:20.00

SUBJECT: Ag Update

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

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

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

TEXT:

Sally Katzen held a meeting on the farm safety net today. There were two major issues:

(1) The President is thinking about doing an agricultural event on April 5. Podesta wants a memo by tomorrow on initiatives the President could announce at that time. Sally is putting together a memo that outlines two options: (a) \$2.5 billion in crop insurance that is paid for by offsets in USDA (mainly through AMTA payments); and (b) a farm safety net wish list totalling \$3.9 billion that is not paid for. The wish list would consist of crop insurance (\$2.5 billion), income support payments (\$1.1 billion); additional conservation programs (200 million); and extension of the dairy price support program for two years (\$100 million). On the second item, Greg Frazier thought it would be a non-starter for Republicans, that House Democrats would be mixed, and that Senate Democrats would like it.

(2) Daschle wanted to introduce a bill today that would provide funding for the temporary workers that are processing agricultural loan payments. USDA said that they will run out of funding for these workers in the next 4-6 weeks, but that they can redistribute money from September to keep these workers. Elgie Holstein and Greg Frazier called Daschle to let him know that he did not have to introduce the bill.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 18:55:30.00

SUBJECT: ESEA Outreach

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:

Memo attached that discusses proposed outreach efforts on ESEA that would take place over the next two weeks.

Bruce: this is slightly revised from the one I just handed you to reflect updated recommendations from IGA and ED.

===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D46]MAIL42064179T.036 to ASCII,

The following is a HEX DUMP:

FF5750434B050000010A020100000002050000003319000000020000B379BBB90842322FB4842F  
E977A0B7E3D762F59705F6D1518AEADFE195BBB051EDCD514922944FEAF20DDFE5149AFB40CC20  
969A30A283C45360F7E22D9BE11E8B7837CF52E9979ADE53BAE2856767668DB37F19E6F98329BC  
0F3B00395B5646A3820D61E534B72420D363D600965263EB930D10BC82B34BEE61394461BE0A14  
FD58972CF42DAF5747E91F23093A3A80816092EB9CEFA4F19C07BC86A004ABA28477D71C8E62BF  
E085952C3FA2026E2DEF20542F03CE0F52316F0C1C76FCB74F1DB2CEB07C3131F5C89501F1B112  
1BAA59A9A5DF0CEC1AC2448106BCAE9D6C3D1077CFAC1B2CCBC138087B4832BE5A9B0E305F57D1

DRAFT  
MEMORANDUM FOR : BRUCE REED  
ELENA KAGAN

Automated Records Management System  
Hex-Dump Conversion

FROM: TANYA MARTIN  
SUBJECT: ESEA OUTREACH

You asked for some recommendations on ESEA Outreach. Below is a summary of proposed and on-going outreach activities as we ramp up to the transmittal of the administration's bill.

### 1. Constituency Outreach

The Education Department has conducted briefing with all of the key education group, the civil rights community, special education groups, and other constituencies with strong interest in ESEA. There are at least three groups that we should meet with both to brief them on any new developments in our proposal and to allow an additional opportunity for input before we transmit the bill.

We should schedule meetings the week of 3/29-4/2 with the following:

- Civil rights groups -- LCCR, NAACP Legal Defense Fund, etc around accountability issues.
- Hispanic education groups -- Council of Great City Schools (urban districts), MALDEF, Nat'l Assoc of Bilingual Educators, etc. (note: outstanding internal issue around use of "three year goal" language)
- NEA/AFT -- particularly around the teacher quality and other accountability proposals.

### 2. Legislative Outreach

WH Leg affairs is working with ED's legislative affairs office to set up a series of discussions with key House and Senate staff over the Congressional recess. ED has suggested the following members as possible sponsors for key aspects of the legislation (they also have a list of sponsors for other parts of the bill that the WH will probably not be involved with e.g., technical assistance section). Broderick is reviewing this list and will work with Scott Fleming on setting up these meetings over the next two weeks.

#### Accountability -- Overall

Miller/Kildee/Clay  
Kennedy/Harkin/Bingaman

#### Accountability -- \$200 million intervention

Kildee/Clay  
Kennedy/Harkin/Bingaman

#### Class Size

Clay/Wu  
Kennedy/Murray

Teacher Quality

Roemer  
Reed/Bingaman

After-School

Holt  
Dodd

Choice/Magnet Schools

Scott  
Bingaman/committee

Bilingual

Hinojosa  
Kennedy

Safe and Drug-Free

McCarthy  
Dodd

Early Childhood

Woolsey  
Dodd

Technology

Tierney  
Murray/Bingaman

Defending Title I Formula/School-Wides

Clay/Woolsey/Scott

**3. Governors**

This week, Mike Cohen and Bill White (IGA) met with Democratic governors' staff to brief them on our ESEA proposals. The staff were particularly concerned about the civil rights implications of the "no social promotions policy". IGA (Bill/Mike) will set up a conference call briefing with the Democratic Governors' education advisors next week. IGA is also setting up a bipartisan state education advisors briefing for early April, prior to the ESEA rollout.

**4. Mayors/Local Officials**

Lynn Cutler has held a series of briefings on our ESEA proposal (and other matters e.g. census, welfare) with various groups of local officials. Her staff is working with me to determine whether an additional briefing - prior to the introduction of the legislation - would be useful with the US Conference of Mayors staff and possibly one or two other local elected officials groups.

Automated Records Management System  
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 18:59:34.00

SUBJECT: Re: Video Request

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

READ:UNKNOWN

TEXT:

thank you.

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE   | DATE       | RESTRICTION |
|--------------------------|---|------------|-------------|
| 001. email               | Bruce Reed to Elena Kagan. [Re: Administration Policy] (1 page) | 03/25/1999 | P6/b(6)     |

### COLLECTION:

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

### FOLDER TITLE:

[03/25/1999]

2009-1006-F  
vz120

### 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: Irene Bueno ( CN=Irene Bueno/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1999 19:24:19.00

SUBJECT: Public Charge update

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

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

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

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

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

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

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

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

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

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

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

TEXT:

In follow-up to the public charge meeting, I think we made some good headway in preclearing the public charge NPRM and guidance with the agencies.

In follow up to Dan Chenok 's suggestion that INS establish a review mechanism if an Legal Permanent Resident (LPR) who was formerly a refugee is found to be inadmissible upon returning to the US, Barbara call me to explain that there are already mechanisms in place to ensure that LPRs are not deported before there is a thorough review of all the circumstances. She indicated there are 3 steps already in place. When a LPR is found inadmissible, they are put in deportation proceedings which is triggered by filing a Notice to Appear. This notice (1) must be signed off by a

supervisor and (2) reviewed by district counsel's office; (3) and finally the LPR would be in deportation proceedings so they would have the opportunity to make their case before an immigration judge. During this period, the LPR is not in detention nor is this a case of expedited removal. The LPR would have a full opportunity to make their case to a judge.

In effort to get this reg out, I suggest that we not push this further. I spoke with HHS and they are okay with this approach but are anxious to review the NPRM and guidance.

Please let me know if you have any questions.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno ( CN=Irene Bueno/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1999 19:55:18.00

SUBJECT: Re: Follow up to Immigration meeting

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

READ:UNKNOWN

TEXT:

Thank you. I look forward to speaking with you tomorrow.

Elena Kagan

03/25/99 06:56:32 PM

Record Type: Record

To: Irene Bueno/OPD/EOP

cc:

Subject: Follow up to Immigration meeting

Absolutely no problem -- you're doing great. Let's talk tomorrow.

----- Forwarded by Elena Kagan/OPD/EOP on 03/25/99 07:00 PM -----

Irene Bueno

03/25/99 06:02:55 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Laura Emmett/WHO/EOP

Subject: Follow up to Immigration meeting

Elena -

I would like to follow up with you on the Immigration meeting and to try to explain what I have been doing these last 4 weeks and why I hesitated about the schedule of meetings over the next two weeks.

First, I want you to know that I am fully committed to this job and know that I am capable of doing a good job but I know that I can and should do better. During the last 4-1/2 weeks in addition to learning new systems, meeting and calling key staff, and learning many new issues, I have been working to develop policies; to identify issues that require policy development; to hold meetings; do research; etc. but certainly I could have done more and I will do more and stay on top of policy issues in my area. For the upcoming meetings on immigration proposals, I will prepare a document that outlines policy proposals on NACARA, Late Amnesty, and Criminal Detention. On battered immigrants, I succeeded in convincing DOJ to include battered immigrant provisions in the crime bill and I am

negotiating with them which proposals will be in the bill.

The reason I hesitated about the schedule of the meetings over the next two weeks is that I will be on leave. I had discussed this with Bruce when I arrived and had sent both of you a reminder e-mail earlier today. I apologize if this a surprise to you and for the problems that this causes but as I mentioned earlier, I will do everything I can to prepare materials for the upcoming meetings and when I return I will do more to stay on top of policy issues in my area.

You and I are scheduled to meet on Friday at 2 pm. If you have time to speak to night, I will be in my office all evening.

Thank you.

Irene

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-MAR-1999 20:45:37.00

SUBJECT: Race Book -- Education Draft

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

READ:UNKNOWN

TEXT:

As an overall comment, this chapter does not appear to be in its "final stages" as suggested in the cover memo. While some things will clearly be cleaned up with editing (the chapter is unduly repetitive in some places), the centerpiece -- the proposed "Compact for Equal Opportunity in Education" -- lacks a clearly thought out connection with ESEA. The compact mimics requirements in some places (e.g. report cards -- which is ok since it wouldn't be perceived as an additional burden), and in other areas I'm not sure whether it tracks at all (e.g. how does "broadest possible flexibility in federal grant programs" square with whatever Ed-Flex provision we put into ESEA).

A meeting with Mike Smith, Mike Cohen and Chris Edley to try and square the Compact with ESEA fell victim to scheduling problems and Mike's eventual departure. Should we try and make this happen?

Due to time considerations, toward the end I listed programs (e.g. Troops to teachers) that I thought should be added without more specific language). Bethany can run over some suggested language on how to reference those programs in the morning.

On to more specific comments:

p.5, second para: Should it state that President does not support "federally-funded" vouchers as opposed to just "vouchers"? President didn't come out squarely against state-funded vouchers.

p.5, last sentence: The fact that 90% of all children are in public schools does not necessarily provide support for the proposition that most Americans agree with the President's opposition to vouchers (some would argue that they may simply have no other choice). I would use the 90% enrollment figure as support for why we must continue to reform public schools -- as they are the schools that the overwhelming majority of our students attend, and will continue to be likely to attend even with vouchers.

p.16, 2nd para: We must build the highest quality educational system that will provide Americans of all backgrounds the opportunity to excel [delete: continuously learn].

p.16, last para: Need to check that data supports a racial disparity in class size. In some places - like DC, urban schools have better teacher

ratios -- everyone fleeing to suburbs. Also, should probably highlight, a major step that we have already taken (in addition to one that is in its first year) to close opportunity gap is Title I -- holding students accountable to the same high standards, getting rid of watered-down curriculum and lower expectations. Need to push this along, class size will help. Minority students especially benefit from one-on-one interaction and results last.

Chapter B -- Centerpiece: How is the accountability here the same and/or different from ESEA? We need to have thought this out - especially since the race book and ESEA will hit the public around the same time frame. Is the compact flexibility more, the same or less than that in Ed-Flex?

p.22 Mentions "shock therapy". Will districts will willingly sign up for this?

p.22 Miami Fl example. A great example of turning around failing schools, but not necessarily of closing the gap in racial achievement. Data probably shows that minority students still underperforming peers at those schools. Florida has recognized this problem by establishing special reward for schools that improve while also improving across racial categories. (Should get more info from Florida Dept of ED)

P 25-27 - repeats arguments in introduction. Needs editing to use best of the arguments about the conditions of schooling for children in poor schools, mention of earlier administration reforms seem to be too far at the end of the chapter.

National Work plan

p.31 - Head Start discussion should mention the progress that we've made in increasing funding for this program. Discussion simply mentions the funding level.

p.32 -- We should check results from E.O. on service (POTUS asked agencies to review flex plans to provide opportunities for service) to be sure that federal employees have flexibility to volunteer at their schools every month before we suggest it as a national goal.

p.33 -- do we want to take on the local school finance system -- is that suggested by "I hope much more change of this sort is on the way."

p.34 -- Footnote 44 states that after controlling for poverty, teacher quality has the largest impact on disparities in achievement between black and white students. Should the "compact" focus on community-wide efforts to improve teacher quality? Especially since we are trying to reduce class size and phase out unqualified teachers in ESEA.

p.35 -- Need to mention our efforts to recruit teachers to high-poverty schools, Troops to Teachers, Native American teachers and other recruitment efforts.

p.35 - Footnote 46 -- need to add information on how 1994 Title I reforms moved states to align curriculums with challenging academic standards.

p.39 - Administration has secured increased funding for training teachers to work with LEP students, should reference this.

p.40 -- safety discussion should talk reiterate the principles of our Safe

and Drug free reauthorization i.e. using proven practices, a comprehensive school-wide approach, report cards that include safety and drug-use data.

p.41 -- It seems that a discussion on high standards and accountability would come first in the nation's work plan. This discussion doesn't really address solutions -- be they federal (high standards in Title I) state (state standards and assessments) or other actors (teachers).

p.45 Charter schools -- New York should not be used as example of "charter" school -- they just passed their law. The schools that are profiled in NY are part of a specially-designated group of schools -- good example of choice, but not charter.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lisa M. Kountoupes ( CN=Lisa M. Kountoupes/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-MAR-1999 20:54:12.00

SUBJECT: Waxman dropped his tobacco bill today.

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

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

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

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

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

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

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/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:

Dingell and Rangel are cosponsors. I have paper will get around.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno ( CN=Irene Bueno/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-MAR-1999 21:29:50.00

SUBJECT: Re: Racial Profiling and Immigration Enforcement

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

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

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

TEXT:

Despite Chris' good intentions for suggesting to include the offensive border patrol/race profiling sections in the race book as a way to move DOJ/INS to confront their policy, I still object.

The sections are offensive and I don't think we want to put the President on record for endorsing a policy in his race book that is designed to bring people together. If the threat of including this section in the book moves DOJ/INS to confront this issue and alter its current practices before the book is published then that's great but very unlikely.

As I mentioned in the earlier e-mail, I still think that the compromise that was developed at the race profiling meeting two weeks ago was the best solution - collect data and develop policies in light of the data. For example, if we find as Bob suggests that INS officers are stopping an inordinate number of Hispanic-looking people simple because they are Hispanic and not because other relevant factors are present, then there is a problem and INS would need to change it's policy and provide clearer direction to its agents about when stops are appropriate but we will not know if this a problem unless data is collected.

Thanks for hearing me out on this issue.

----- Forwarded by Irene Bueno/OPD/EOP on 03/25/99 09:04 PM -----

Maria Echaveste  
03/25/99 06:53:40 PM  
Record Type: Record

To: Irene Bueno/OPD/EOP  
cc:  
Subject: Re: Racial Profiling and Immigration Enforcement

fyi

----- Forwarded by Maria Echaveste/WHO/EOP on 03/25/99  
06:55 PM -----

"Christopher F. Edley, Jr." <edley @ law.harvard.edu>  
03/25/99 06:43:22 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP  
cc: Elena Kagan/OPD/EOP, Clara J. Shin/WHO/EOP  
Subject: Re: Racial Profiling and Immigration Enforcement

Below from Bob Bach. The problem is getting them to say what their policy is. It is hard and unpleasant in either direction, so they want to avoid letting people know what their policy is. I'm against this on principle.

It is a hard issue. But it is an important issue to a lot of us, especially the Hispanic advocacy community. I think the President needs to face it. I'm glad Bach and DOJ are a little ashamed of their unwillingness to disclaim use of ethnicity as a factor. That's part of my strategy -- pressing to figure out if the enforcement imperative is really worth the shame and heat. Maybe INS/DOJ should be pushed by someone other than me???

(Someone please forward to Irene Bueno.)

>Date: Wed, 24 Mar 1999 20:08:16 -0500  
>Subject: Re: Racial Profiling and Immigration Enforcement  
>Sender: RBach20010@aol.com  
>From: RBach20010@aol.com  
>To: edley@law.harvard.edu  
>  
>Chris,  
>  
>Good to hear from you again. I agree completely that the immigration issue  
>needs to be in the President's book, both to address the concerns and  
>interests of the Latino community and to fully acknowledge the social  
>meaning  
>of race in this current historical moment.  
>  
>My concern is how immigration and INS policy is addressed. In my view, it  
>would be too divisive to say that the Administration supports not using  
>race  
>or ethnicity in profiling and enforcing, except for immigration -- as if  
>it is  
>okay to discriminate and profile and ignore essential rights in immig  
>ration  
>matters. Or, to say that there is an absolute bar to what seems only  
>common  
>sense when it comes to enforcing a law that is precisely about people  
>coming  
>from another country, and would we not want to know something about who  
>they  
>are.

>  
>I think we should stress several points:  
>  
>1. a core problem is how enforcement is done, especially "traffic stops".  
>Much, much can and should be done to minimize the possibilities of  
>conducting  
>traffic stops -- especially for immigration. Essentially, Chris, there  
>are  
>many more and better ways to enforce immigration laws than traffic stops,  
>which are the source of the primary concerns from the Latino community and  
>the  
>legal immigrant community in general. Essentially, why use enforcement  
>techniques that cause scrutinizing and suspecting everyone in order to  
>uncover  
>a few wrongdoers.  
>  
>We could probably make the immigration experience of traffic stops an  
>example  
>of the harms of profiling, rather than one element of an exception. You  
>would  
>just have to craft the language in a way that does not generally outlaw  
>the  
>use of race or ethnicity but perhaps, for example, instructs the AG to  
>find  
>ways to enforce the immigration laws better without using it.  
>  
>2. Point 1 would, I think, help to support Bill Lann Lee's idea that we  
>might  
>be able to say strong, general points about not using ethnicity when it  
>comes  
>to worksite enforcement. We have made strides there with an emphasis on  
>the  
>need to examine everyone's documents, and ask everyone questions during  
>certain operations -- to prevent officers precisely from picking out only  
>those people who "look foreign." We may not yet be able to include  
>immigration totally within the general statement, at least as I understand  
>the  
>general statement, but we could certainly point to principles that are  
>more or  
>less useful in certain locations, such as the worksite, and direct future  
>work.  
>  
>3. Chris, the underlying academic problem in all this discussion is that  
>immigration issues really involve "nationality" not ethnicity. It is the  
>nature of enforcement that involves national borders -- whether it is  
>immigration, customs, or agriculture (by the way, this is NOT just an  
>immigration issue -- that the characteristic of the person that is being  
>inspected is their individual status, not only driving fast, or carrying  
>drugs, or even crossing the border illegally. The latter are all  
>behaviors.  
>The nationality question is one of status that requires enforcement  
>people to  
>worry about and to check who that person is. For instance, speaking a  
>language of a country, even when some in the US speak it, is still a clue  
>about a person's residence, which is a key element of determining  
>immigration  
>status. Other clues exist too.  
>  
>Conceptually, what INS and Customs are looking at and for are  
>characteristics

>that reflect this status of being an "alien" - as the law calls them.  
That is  
>what makes immigration enforcement unique, in my view. When the Supreme  
Court  
>said that the Border Patrol can use checkpoint operations within a certain  
>distance of the border, and use such traits as dirt on the wheels,  
Mexican or  
>Canadian license plates, etc., and the appearance of the passengers, it  
was, I  
>believe, emphasizing clues to whether the person is "alien," not their  
race or  
>ethnicity.  
>  
>I say this is academic because in the public mind, and in the perception  
of  
>persons of heritage of the most popular countries of origin for  
immigration  
>today, the Border Patrol is really stopping them for their ethnicity. In  
>their view, the arrest equates to being treated as if they are foreign,  
which  
>is justifiably upsetting.  
>  
>To say, therefore, that race and ethnicity should not be used by any law  
>enforcement, but nationality is okay for immigration purposes is probably  
>closer to what we should say, but it is far too academic to make sense to  
most  
>people.  
>  
>4. So, in my view, the "exception" for immigration in principle is not  
>needed. But in practice, it is, until much more work is done -- that  
should  
>be done -- to find alternatives to enforcement efforts that create this  
>dilemma and more understanding is gained of the differences between  
ethnicity  
>and the status question for immigration.  
>  
>Chris, I know this sounds too little too late (for some reason the Oper  
ations  
>side of INS was brought into this discussion only) but I would hope that  
you  
>don't go too far in creating an exception for immigration that somehow  
>legitimizes discrimination and profiling for the Border Patrol, or in  
>including immigration in a generalized statement that bars the use of race  
and  
>ethnicity in enforcement until the way to achieve that in immigration  
>enforcement can be clearly and effectively described.  
>  
>If you want me to look at some of the draft language, I'll be happy to.  
>  
>Talk with you soon.  
>  
>Bob  
>  
>  
>  
Professor Christopher Edley, Jr.  
Harvard Law School,  
Cambridge MA 02138  
(617)-495-4614; (f) 496-5156



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno ( CN=Irene Bueno/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME: 25-MAR-1999 22:13:14.00

SUBJECT: Comments on Race Book

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

READ: UNKNOWN

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

READ: UNKNOWN

Irene Bueno ( CN=Irene Bueno/OU=OPD/O=EOP [ OPD ] )

READ: UNKNOWN

TEXT:

The following are my comments to the sections of the race book that I was asked to review:

PART I: THE AMERICA WE SEE

1. Page ( I )-17 the third sentence in second paragraph is misleading. It seems to indicate that there are 19 Asian Pacific American Members of Congress. While it may be true there are 19 members of the Congressional Asian Pacific Caucus - sadly only 7 members of Congress are Asian Pacific Americans and the other members are non- Asian Pacific Americans who represent large Asian Pacific American constituencies. Therefore this sentence should be deleted and the new sentence should read:

"There are now 7 members of Congress who are Asian Pacific Americans."

2. Page (I)-25 - footnote 10 & 11 references- The reference for footnotes 10 & 11 does not exist.

PART III: THE OPPORTUNITY WE DESERVE

1. Page (III.4)-46 - The section in the box about the Executive Order should be changed to reflect the decision whether an Executive Order or a guidance will be issued and should be limited to the first bullet and a revised third bullet - to reflect the decision that is made with regard to our policy on race profiling that is still under review.

2. Pages (III.4)-48 -49- Delete the entire paragraph that starts at the bottom of page 48 that begins with "I believe..." and continues on page 49 ending with the words "of these concerns." This is the offensive paragraph that seeks to justify the use of race profiling by the border patrol.

Please let me know if you have any questions. Thanks.