

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 048 - FOLDER -003

[03/30/1999 - 03/31/1999]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phillip Caplan to Gene Sperling et al re commentary (3 pages)	03/30/1999	Personal Misfile

COLLECTION:

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

FOLDER TITLE:

[03/30/1999-03/31/1999]

2009-1006-F

kc195

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

Withdrawal/Redaction Marker

Clinton Library

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001. email	Phillip Caplan to Gene Sperling et al re commentary (3 pages)	03/30/1999	Personal Misfile

COLLECTION:

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OPD ([Kagan])
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FOLDER TITLE:

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd A. Summers (CN=Todd A. Summers/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:30-MAR-1999 10:23:35.00

SUBJECT: Zambia

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

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

TO: Robert B. Johnson (CN=Robert B. Johnson/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:
FYI -

"AIDS Fight in \$1M Boost"
Africa News Service (03/29/99)

The U.S. government has allocated an additional \$1 million in funding for Zambian HIV/AIDS programs, raising the total U.S. funding for the country's anti-HIV efforts to \$4 million. The money will be committed through the U.S. Agency for International Development, announced White House AIDS policy coordinator Sandy Thurman. Thurman made the announcement in Lusaka, Zambia, during a trip to observe the country's HIV prevention programs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 12:35:48.00

SUBJECT: FINAL PRESS PAPER

TO: Stacie Spector (CN=Stacie Spector/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: Natasha F. Bilimoria (CN=Natasha F. Bilimoria/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: Jeanne Lambrew (CN=Jeanne Lambrew/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Andrei H. Cherny (CN=Andrei H. Cherny/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Barry J. Toiv (CN=Barry J. Toiv/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: Laura D. Schwartz (CN=Laura D. Schwartz/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: Kelley L. O'Dell (CN=Kelley L. O'Dell/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

TO: MCrisci@arnellgroup.com (MCrisci@arnellgroup.com [UNKNOWN])
READ:UNKNOWN

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

TO: Jill_M_Blickstein (Jill_M_Blickstein @ Ianmail.fanniemae.com [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: Kris M Balderston (CN=Kris M Balderston/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.D89]MAIL409638002.136 to ASCII,
The following is a HEX DUMP:

FF575043030E0000010A02010000000205000000C81F000000020000057EA34F69F18DD99E4DC90
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DCFD5F16B40BA9E9AD8E5AB9111B4815F26604A9E06556216FF5DD1D7432FC95EC4CB9FFAF8552
DF94458C245783CB0E1BD23F8F67CA72CD7585E659ECB6B4410F955B9597CAF409E5773088474C

MEDICARE TRUSTEES' REPORT: 1999

March 30, 1999

Today, the Medicare Trustees projected that the life of the Medicare Trust Fund has been extended until 2015 -- 7 years longer than projected in last year's report. This report affirms that the President's commitment to strengthening and improving Medicare is paying dividends, but it also underscores the need for additional action to strengthen and improve the program.

- **The Trustees' Report on the Improved Financial Status of Medicare is Good News and Reflects that the Hard Choices the President Made in 1993 and 1997 Strengthened the Program and Were Justified.** When the President came into office, the Medicare program was projected by the Trustees to go bankrupt by 1999. The Trustees Report validates the President's economic policies. It reports that: "income exceeded expectations as a result of robust economic growth and expenditures declined due to implementation of the Balanced Budget Act of 1997, low increases in health care costs generally, and continuing efforts to combat fraud and abuse." In the last few years, the life of the Trust Fund has been extended by a full 14 years and the actuarial deficit has been cut by two-thirds.
- **Good News Does Not Delay the Need for Decisive Action.** We are proud of our stewardship of the Medicare program. However, our success does not in any way diminish the challenges facing Medicare. Under any scenario, enrollment in Medicare will climb from 39 million to 47 million in 2010, and to 80 million by 2035. As the Trustees Report points out, "substantially greater changes in income and/or outlays are needed, in large part as a result of the impending retirement of the baby boom generation."
- **The President's Proposal to Modernize Medicare and to Dedicate 15 Percent of the Surplus to the Program is Clearly Necessary to Adequately Extend the Life of the Trust Fund and Add a Long Overdue Prescription Drug Benefit.** While the financial well being of the Medicare program has improved, its reserves will become exhausted just as the baby boom population begins to retire and long before those of the Social Security program. Moreover, 15 million beneficiaries have absolutely no prescription drug coverage, millions more have totally inadequate coverage, and our nation's elderly are paying excessively high costs for their desperately needed medications. The President's Medicare reform proposal will address these unmet challenges.
- **We Now Face A Historic Fiscal Choice: Do we use the surplus to strengthen and modernize Medicare and keep the program solvent further into the future OR do we use it to provide for an exploding and irresponsible tax cut. If we choose unwisely and use the surplus to finance tax cuts -- rather than Social Security and Medicare -- we will have made one of the most short-sighted fiscal decisions in our nation's history. Not only will we leave two programs unacceptably weakened, but we will have given up on an unprecedented opportunity to reduce our nation's debt from 44 percent of GDP to 7 percent by 2014 -- the lowest level since 1917. We must use this historic opportunity to strengthen Medicare by devoting 15 percent of the budget surplus to this program over the next 15 years and modernizing Medicare to help fund a prescription drug benefit.**

SOCIAL SECURITY TRUSTEES' REPORT: 1999

March 30, 1999

Today, the Social Security Trustees projected that the Social Security Trust Funds will not be exhausted until 2034 -- 2 years later than projected in last year's report. These improvements are due in large part to the strength of our economy and President Clinton's strategy of fiscal discipline. With the longest peacetime economic expansion in history, President Clinton's economic strategy is and continues to be successful.

- **The Annual Report of the Social Security Trustees Shows a Modest Improvement in the Long-run Financial Status of the Program over the Past Year.** Under the new projections, the Social Security Trust Funds will not be exhausted until 2034, 2 years later than projected in last year's report. The 75-year actuarial balance improved from -2.19 to -2.07. These improvements are due in part to the strength of our economy and President Clinton's strategy of fiscal discipline. With the longest peacetime economic expansion in history, President Clinton's economic strategy is and continues to be successful.
- **The Improved Financial Status of the Social Security Program Is Good News.** While this news is very promising, we should not become complacent about reforming the Social Security program. These modest improvements only underscore the fundamental challenge we face. This report provides further evidence that we must act now to make certain that Social Security is as strong for our children as it has been for our parents. The need for reform has not changed. The President has emphasized that reform must occur now while our economy is strong. Any changes we make now will be far easier than if we wait until the trust fund exhaustion date is eminent.
- **The President's Framework Will Extend Social Security Even Further.** In his State of the Union address this past January, President Clinton proposed to transfer 62 percent of the projected budget surpluses over the next 15 years--more than \$2.7 trillion--to the Social Security trust fund. A portion of these transferred surpluses would be invested in the private sector to achieve higher returns for Social Security. Under the revised Trustees' projections, this will keep Social Security solvent until around 2059. But this is not enough--the President wants to work with both parties in Congress to make the tough but sensible choices that are necessary to save Social Security, and he is committed to working with Congress to save this system until at least 2075.
- **The President's Plan Is Fiscally Responsible--continuing His Record of Fiscal Discipline.** As a share of the economy, the publicly-held debt increased from 26% in 1981 to 50% in 1993. Since President Clinton took office, the publicly-held debt as a share of the GDP has dropped to 44 percent. Under the President's framework, the publicly-held debt will be cut by more than two-thirds, and, as a share of the GDP, will fall from 44% today to 7.1% in 2014--its lowest level since 1917.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 12:46:00.00

SUBJECT: Revised medicare--minor hyphen changes

TO: Stacie Spector (CN=Stacie Spector/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: Natasha F. Bilimoria (CN=Natasha F. Bilimoria/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: Jeanne Lambrew (CN=Jeanne Lambrew/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Andrei H. Cherny (CN=Andrei H. Cherny/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Barry J. Toiv (CN=Barry J. Toiv/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: Laura D. Schwartz (CN=Laura D. Schwartz/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: Kelley L. O'Dell (CN=Kelley L. O'Dell/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: MCrisci (MCrisci @ arnellgroup.com @ inet [UNKNOWN])
READ:UNKNOWN

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

TO: Jill_M_Blickstein (Jill_M_Blickstein @ Ianmail.fanniema.com @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TO: Linda Ricci (CN=Linda Ricci/OU=OMB/O=EOP @ EOP [OMB])
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TO: Barbara Chow (CN=Barbara Chow/OU=OMB/O=EOP @ EOP [OMB])
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TO: Joshua Gotbaum (CN=Joshua Gotbaum/OU=OMB/O=EOP @ EOP [OMB])
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TO: William A. Halter (CN=William A. Halter/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

READ:UNKNOWN

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

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

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

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

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

TO: Lisa J. Levin (CN=Lisa J. Levin/OU=WHO/O=EOP @ EOP [WHO])
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TO: Aviva Steinberg (CN=Aviva Steinberg/OU=WHO/O=EOP @ EOP [WHO])
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READ:UNKNOWN

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TO: Kris M Balderston (CN=Kris M Balderston/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.D76]MAIL47164800B.136 to ASCII,
The following is a HEX DUMP:

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955174B8FCD62BCE6B44E6617944B87FCDEA22640AD67C40CDA9E2B7331DCF67E1C0F7FAFC30F9

MEDICARE TRUSTEES' REPORT: 1999

March 30, 1999

Today, the Medicare Trustees projected that the life of the Medicare Trust Fund has been extended until 2015 -- 7 years longer than projected in last year's report. This report affirms that the President's commitment to strengthening and improving Medicare is paying dividends, but it also underscores the need for additional action to strengthen and improve the program.

- **The Trustees' Report on the Improved Financial Status of Medicare is Good News and Reflects that the Hard Choices the President Made in 1993 and 1997 Strengthened the Program and Were Justified.** When the President came into office, the Medicare program was projected by the Trustees to go bankrupt by 1999. The Trustees' Report validates the President's economic policies. It reports that: "income exceeded expectations as a result of robust economic growth and expenditures declined due to implementation of the Balanced Budget Act of 1997, low increases in health care costs generally, and continuing efforts to combat fraud and abuse." In the last few years, the life of the Trust Fund has been extended by a full 14 years and the actuarial deficit has been cut by two-thirds.
- **Good News Does Not Delay the Need for Decisive Action.** We are proud of our stewardship of the Medicare program. However, our success does not in any way diminish the challenges facing Medicare. Under any scenario, enrollment in Medicare will climb from 39 million to 47 million in 2010, and to 80 million by 2035. As the Trustees' Report points out, "substantially greater changes in income and/or outlays are needed, in large part as a result of the impending retirement of the baby boom generation."
- **The President's Proposal to Modernize Medicare and to Dedicate 15 Percent of the Surplus to the Program is Clearly Necessary to Adequately Extend the Life of the Trust Fund and Add a Long Overdue Prescription Drug Benefit.** While the financial well-being of the Medicare program has improved, its reserves will become exhausted just as the baby boom population begins to retire and long before those of the Social Security program. Moreover, 15 million beneficiaries have absolutely no prescription drug coverage, millions more have totally inadequate coverage, and our nation's elderly are paying excessively high costs for their desperately needed medications. The President's Medicare reform proposal will address these unmet challenges.
- **We Now Face A Historic Fiscal Choice: Do we use the surplus to strengthen and modernize Medicare and keep the program solvent further into the future OR do we use it to provide for an exploding and irresponsible tax cut. If we choose unwisely and use the surplus to finance tax cuts -- rather than Social Security and Medicare -- we will have made one of the most short-sighted fiscal decisions in our nation's history. Not only will we leave two programs unacceptably weakened, but we will have given up on an unprecedented opportunity to reduce our nation's debt from 44 percent of GDP to 7 percent by 2014 -- the lowest level since 1917. We must use this historic opportunity to strengthen Medicare by devoting 15 percent of the budget surplus to this program over the next 15 years and modernizing Medicare to help fund a prescription drug benefit.**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 15:17:03.00

SUBJECT: MESSAGE MEETINGS - TAKE 2

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

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

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

CC: Antoinette D. Marchette (CN=Antoinette D. Marchette/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

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

CC: Ann C. Hertelendy (CN=Ann C. Hertelendy/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

CC: George G. Caudill (CN=George G. Caudill/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 be holding town message meetings tomorrow in her office:

9:00 am: Radio Address

9:30 am: Equal Pay

10:00 am: PBOR

Thanks! See you then!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 16:57:59.00

SUBJECT: ED IG's Report on Direct Lending

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:

fyi -- not sure who is following direct lending post-Bob Shireman, but I saw this on the wire.

WASHINGTON (AP) It is no cheaper for the government to offer direct student loans than it is to subsidize mostly private lenders, according to the Education Department's internal watchdog.

The Department's inspector general, in a report released earlier this month, concludes that when interest rates are high, the government pays more to make the loans in its direct-lending program than it gets back from borrowers repaying loans. The report says outdated computer equipment is at least one source of the extra costs.

However, the report also said it is difficult to fully compare the costs of the two loan programs because they vary each year, depending on interest rates.

Nonetheless, Education Department officials disputed the findings, saying, for example, that the report's 1996 and 1997 figures are outdated and that it makes unfair comparisons between the government's actions and how the best private lenders would manage the loan program.

"Don't believe for a second that the numbers in the study are right," said Greg Woods, who is in charge of improving management of student financial aid programs.

types of loans
government paid
loans. In 1994, the
taking out the

Finance officials continue to fight over the two major
offered to student borrowers . For many years, the
subsidies to private lenders so they would make the
government saying it could save borrowers money by
middle man started a lending program of its own.

lawmakers and private
funding and cut the

President Clinton recently angered Republican
lenders with his budget plan to give the program more
private lenders' federal subsidy.

rebates to direct-loan
automatically from
ley announced

And this fall the Education Department will offer
borrowers who allow their payments to be deducted
their bank accounts, Education Secretary Richard W. Ri
Monday.

and dispute claims
pass those savings to
both programs.

Direct-loan critics insist the program is ill-managed
that the program will eventually cost less to run and
students. Currently, the rates for borrowers vary in

A. McNamara,
McNamara insists
management of either

These critics focused on the recent report by Steven
acting Education Department Inspector General. But
the report is not questioning the department's
program.

which lobbies for

Mark Cannon, the Coalition for Student Loan Reform,
private lenders, begs to differ.

as efficient
million annually that is

"It paints a bleak picture of the Education Department
managers," he said. "It shows that there is \$100
going to bureaucrats and not to students."

(30 Mar 1999 16:44 EST)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 17:16:09.00

SUBJECT: Teacher Quality article in ED Week

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

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

TEXT:
ED Week - 3/3/99

Faced with a proposal requiring that schools notify parents if a child's class was being taught by "an uncertified or inappropriately certified individual," the Texas school board reacted decisively this month. It voted 12-0 to reject the measure, which the state's teacher-certification board had hoped would call greater attention to the pervasiveness of so-called out-of-field teaching.

The resistance the plan ran into underscores just how tough it would be to eliminate the long-running, albeit lamented, practice. Not only is the issue linked inextricably to the market forces affecting the big demand for new teachers, it also raises fundamental questions about what constitutes a qualified educator.

In debating the Texas measure, which elicited three abstentions along with the 12 negative votes, some state board members said the word "inappropriately" sounded too vague. Others feared maligning teachers who hadn't earned a certificate but still knew their subject matter, like an aeronautical engineer brought in to teach physics. And many asked why they should force districts to make themselves look bad, when schools are just making the best of a difficult situation.

"People who want this rule are trying to say that

superintendents are passing over certified people to hire uncertified ones," board member Grace Shore said. "From what I hear, they're doing their best, but they simply can't find them."

Out-of-field teaching, many national education experts agree, is a problem that defies simple solutions.

"We can't solve it just by telling people: 'Don't assign teachers to subjects they aren't prepared to teach,'" said Willis D. Hawley, the executive director of the National Partnership for Excellence and Accountability in Teaching, a federally funded research initiative aimed at improving the quality of teaching. "The responsibility that we all have is to understand that this is a complex problem, and it has to be addressed on several different levels."

A Secret Exposed

Education groups have long called out-of-field teaching the "dirty little secret" of America's schools, but it's gained urgency with recent forecasts that the country must hire 2 million new teachers in the next decade. Coupled with that challenge are international comparisons showing U.S. high school students lagging behind their peers in many industrialized countries, a connection U.S. Secretary of Education Richard W. Riley made in his State of American Education Address last month.

"Foreign education ministers who visit me are just stumped when I try to explain this practice," he said. "Their translators simply have no words to describe it."

Some education experts go so far as to say it's no coincidence that the U.S. rankings on the Third International Mathematics and Science Study drop after the 4th grade. Generally considered an issue of teachers' knowledge of academic content, out-of-field teaching doesn't become a major problem until the middle grades, when schools departmentalize subjects.

President Clinton lambasted the practice in his State of the Union Address this year, declaring that "in too many schools, teachers don't have college majors--or even minors, in the subjects they teach."

Recent research does show the practice is rampant. Richard M. Ingersoll, a sociologist at the University of Georgia in Athens, has analyzed U.S. Department of Education data and found that in every subject, large numbers of teachers are leading classes for which they lack even the equivalent of a college minor.

Nationwide, for example, he found that about 28 percent of high school mathematics teachers have neither a major nor a minor in math, and 18 percent of all science teachers are similarly deficient in their preparation. Previous Education Department analyses indicated that the practice was most prevalent in poor and urban districts.

In most professions or services, "that sort of behavior would be called consumer fraud," argues John Cole, the president of the Texas Federation of Teachers, an American Federation of Teachers affiliate.

By What Measure?

The state-level picture, however, is often painted in ways that seem less alarming. Some states, Mr. Ingersoll points out, allow teachers to be assigned out-of-field as long as it's not for the majority of the day. Also, many states define an out-of-field teacher as one who lacks state certification, which sometimes doesn't specify a college minor or major.

For example, while Georgia education officials report that just 8 percent of the state's high school science teachers don't hold a science certificate, Mr. Ingersoll's analysis shows that 18 percent of them lack a science major or minor--about the same as the nation as a whole.

The view gets even gloomier when Mr. Ingersoll examines the types of science majors and minors teachers have. In Georgia, he says, only about 66 percent of high school educators teaching a physical science class--such as physics--have at least the equivalent of a college minor in a physical science.

Georgia is trying to improve the situation through the work of its P-16 Council, a task force of leaders from pre-K-12 and higher education institutions. The

group includes Georgia's Professional Standards Commission, which sets teacher-certification rules, and the state university system's board of regents. By June, it plans to have drafted a long-range strategy for ensuring that all Georgia teachers are adequately prepared for the classes they teach.

Margaret M. Torrey, the standards commission's executive secretary, said she hopes the focus isn't only on how many teachers majored or minored in a subject. In addition to content knowledge, she said, teachers need significant training in how to instruct students.

"The public often thinks that content is enough," she said. "But it isn't. So I hope that in all this discussion about out-of-field teaching, we don't go overboard."

Through the P-16 Council, the standards commission and the state university system expect to design new teacher education courses specifically for middle school educators who missed sufficient coursework in either math or science. Though inadequate to qualify for a major or a minor, the courses would give teachers additional knowledge of both content and pedagogy to teach middle school students.

And yet some experts have little faith in either college coursework or states' current certification requirements.

"Those pieces of paper that we pass out don't necessarily ensure that everyone who has them is the most qualified person," said C. Emily Feistritzer, the president of the Washington-based National Center for Education Information, a private research organization. "I think there are better ways to ascertain whether someone is qualified."

Ms. Feistritzer favors testing teachers for both their knowledge of content and of pedagogy.

That sentiment is, in part, why the Texas Board for Educator Certification is drafting a plan to make the state's certification exams more rigorous.

"Our board is interested in certifying competent individuals, and how they achieve the required knowledge and skills is not as

important to us as whether they have them," said Stephanie Korcheck, the panel's director of policy and planning.

Meanwhile, Texas has made it somewhat more difficult for districts to misassign teachers. Although it rejected the parent-notification measure, the state school board did agree to limit to one year the amount of time that educators may teach subjects for which they have no certification. But the new rule doesn't apply to teachers on emergency permits, who have up to three years to become certified.

'No Man's Land'

At one level, though, there is broad consensus that a dearth of content knowledge is a major problem in teaching. A 1985 report by the American Federation of Teachers and the Council for Basic Education called middle school the "no man's land" of out-of-field teaching, and recent surveys suggest little has changed since then.

Based on a sampling of college transcripts of Georgia middle school teachers, a recent survey estimated that at least 37 percent of those teaching math had less than the equivalent of a college minor in the subject. Among science teachers, about 27 percent were similarly unprepared. A recent study in Kentucky also showed that fewer than 40 percent of middle school math teachers there had at least the equivalent of a math minor.

Some experts blame the limited amount of requisite coursework on the way states certify middle school teachers.

Georgia, for example, uses a "broad field" middle-grades certificate. The credential only requires teachers to have concentrated in college in two of four areas--English, math, social studies, or science--but it permits them to teach any of those subjects. Under the regulations, a social studies major who minored in English could be assigned to teach math.

Some states' certification rules also allow educators prepared to teach in elementary school to work in middle school. The Southern Regional Education Board in December reported that an estimated one-third of

the middle school teachers in its 16 member states hold elementary teaching licenses.

Georgia's university regents last summer proposed eliminating broad-field middle school certificates. They also called on Georgia's schools to adopt voluntarily "truth in advertising" policies by which, like the rejected Texas measure, they would notify parents of out-of-field teaching. Neither Georgia proposal has been enacted.

"We cannot realistically say to folks that, in a year, you are not to have anyone in math or science who has not concentrated in those areas," Ms. Torrey said. "The bodies just aren't there."

Making Do

But Mr. Ingersoll believes shortages don't explain the whole problem.

An analysis he carried out for an article in this month's Educational Researcher shows widespread out-of-field teaching even in disciplines considered to have an abundance of candidates. Nearly 22 percent of high school English teachers did not have as much as a minor in the subject. And although 28 percent of the nation's high school math teachers lack even a minor in that subject, he found that only 16 percent of schools report having difficulty filling vacant math teaching positions.

His hypothesis: Convenience could play a significant role in teacher misassignment.

Mr. Ingersoll contends. "It's a problem in how schools are managed and operated," "The source of out-of-field teaching isn't so much a lack of coursework and training, but is a lack of fit between what teachers are educated or trained in and what they are assigned to teach."

Many state officials counter that misassignment is rarely the result of laziness. "I have yet to find a principal, personnel director, or a superintendent who randomly puts people in classrooms and who doesn't want what's best for kids," Ms. Torrey said.

Instead, administrators often must make the best of it, as did Principal Melton Callahan at Colquitt County High School, located in southern Georgia and geographically isolated from the state's largest cities.

The administrator was in a bind this year when one of his math teachers left between semesters and no one certified in the subject applied for the job. He wound up hiring a teacher with social studies certification. Though not an ideal situation, Mr. Callahan trusted that the woman was a competent educator because she had done her student-teaching at the school. He also assigned her one of the school's lowest-level math courses, and she is working toward the proper certification.

"I don't feel these kids are being slighted at all," he said. "If we weren't able to use a provisionally certified person, we'd have to use a substitute."

Tinkering Not Enough

While conceding that many schools do encounter difficulties hiring the right teacher for every spot, Mr. Ingersoll doubts the problem is simply that there aren't enough qualified potential candidates. More likely, he suggests, the teaching jobs that are the toughest to fill just aren't enticing enough to attract--and keep--amply qualified people.

"The way to ensure that we have well-qualified people in the classroom is to improve the job," he said. "A good, well-paying job is like a magnet."

It would take a mighty powerful magnet to draw only fully qualified teachers to a place like Southland, a tiny town outside Lubbock where the school system serves just 190 students. Its small size, remoteness, and low salaries help explain why someone like Neal Wilcox--certified to teach high school biology, physical education, and health--has taught economics, geography, and government there this year.

"Everybody out here has to do a lot of extra things," said the 62-year-old Mr. Wilcox, who also coaches basketball, track, and football.

Making the best of the situation, he tries to draw on his real-world experiences in

teaching social studies, such as his U.S. Army service in the 1950s and 1960s, when he was stationed in 14 countries, and the period when he ran his own construction business.

"With my age and experience and with the materials you've got, you're not likely to miss anything," he said. "I'd retire if I thought I wasn't being effective at teaching students what I do."

Though Southland sounds like an extreme example, some experts say school size is a major contributor to out-of-field teaching. Ms. Feistritz says that nearly one-third of American secondary schools enroll fewer than 300 students.

"So the chances of having only physics majors teaching physics in each of those schools is not economically feasible," she said.

Technology may offer partial relief for small, isolated districts. The Southland system is one of about 60 in the region gaining two-way teleconferencing labs, worth \$90,000 each, through a state initiative, said Southland Superintendent Berhl Robertson. Once in place, the network of labs will allow multiple districts to share fully qualified teachers, he said.

Ultimately, such creative approaches may go further than simply trying to outlaw out-of-field teaching, says Terry K. Dozier, who serves as Secretary Riley's special adviser on teaching.

"When I travel across the country, what is extremely frustrating to me is when people say, 'It's impossible'; it is impossible under the current system, but it's not impossible to do," she said. "You can't just tinker around the edges. We've got to look at state and local policies, at how we license teachers, how we support them, and how we compensate them."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 17:31:05.00

SUBJECT: LRM CJB31 - - EDUCATION Conference Document on HR800 Education Flexibility

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

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

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

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

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

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

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

TO: Brian S. Mason (CN=Brian S. Mason/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

TO: Elena Kagan (CN=Elena Kagan/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: 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

TEXT:

Please direct your comments on the letter below to:

Melissa Benton by
4:00 p.m. Wednesday, March 31, 1999

Note: In the letter to the conferees, Secretary Riley states that he would recommend that the President disapprove HR 800 if it is enacted with unacceptable provisions that are in the Senate version.

click here for letter:

----- Forwarded by Constance J. Bowers/OMB/EOP on
03/30/99 05:26 PM -----

LRM ID: CJB31
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, March 30, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: Janet R. Forsgren (for) Assistant Director for Legislative Reference
OMB CONTACT: Melissa N. Benton
PHONE: (202)395-7887 FAX: (202)395-6148
SUBJECT: EDUCATION Conference Document on HR800 Education Flexibility Partnership Act of 1999

DEADLINE: 4:00 p.m. Wednesday, March 31, 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: The attached letter from Secretary Riley is directed to the conferees on HR 800. In the letter, Sec. Riley states that he would recommend that the President disapprove the bill, if it is enacted with unacceptable provisions that are in the Senate-passed bill.

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Constance J. Bowers
 LRM ID: CJB31 SUBJECT: EDUCATION Conference Document on HR800 Education
 Flexibility Partnership Act of 1999
 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: Melissa N. Benton Phone: 395-7887 Fax: 395-6148
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

- _____ Concur
- _____ No Objection
- _____ No Comment
- _____ See proposed edits on pages _____
- _____ Other: _____

Dear Conferee:

I am writing to express my views on the House-and Senate-passed versions of H.R. 800, the Education Flexibility Partnership Act of 1999. As you know, "ED-Flex" authority permits States to waive certain statutory and regulatory requirements that apply to Federal education programs in a manner that complements State educational reform efforts and promotes achievement to high standards by all students. The Administration has long supported the concept of expanding ED-Flex authority beyond the 12 States allowed under current law, so long as that expansion does not undermine the purposes of those Federal programs and maintains a high degree of accountability for results. I am very pleased, therefore, that both bills would expand eligibility for ED-Flex status to all the States, as well as the District of Columbia and the Commonwealth of Puerto Rico, and couple that increased flexibility with a serious attention to maintaining accountability at the State and local level. The Senate bill, however, contains certain unacceptable provisions—unrelated to the expansion of ED-Flex authority—that, if enacted, would force me to recommend to the President that he disapprove the bill. I urge the Conferees to avoid such a disappointing and unnecessary result.

Turning to the ED-Flex provisions, I am very pleased that both bills have strong provisions for ensuring: public notice and comment, at the State and local level, on proposed waivers; State monitoring of local ED-Flex activities; and termination of waivers that have inadequate or harmful results. With respect to State eligibility for ED-Flex status, I prefer the more rigorous conditions in the House bill, as they apply to implementation of standards and assessments under Title I of the Elementary and Secondary Education Act of 1965 (ESEA). With respect to the State's application for ED-Flex status, I prefer the language in the Senate bill, which focuses on how ED-Flex authority will assist in implementing the State's comprehensive reform plan. I believe that complete State reporting of ED-Flex results is important and so support the provisions of the House bill relating to annual State reporting to the Secretary about the numbers and characteristics of waivers granted. Finally, I strongly support the provision of the House bill that would "sunset" this Act upon enactment of the upcoming reauthorization of the ESEA, because it is vitally important that continuation of ED-Flex authority be made consistent with changes to the underlying Federal programs to which it applies.

Last fall, Congress enacted and funded, on a bipartisan basis, a down payment on the President's plan to help the Nation's school districts reduce class sizes in the early elementary grades. Regrettably, the Senate bill contains amendments to the class size reduction authority that would undermine its impact by permitting local school districts to use funds received under that initiative not to reduce class size, but to meet obligations they are already required to meet under Part B of the Individuals with Disabilities Education Act. The value of reducing class size in the early elementary grades is supported by the research, and doing so is one of the most important things we can do to honor our national commitment to ensuring equal educational opportunity for all our children. Moreover, reducing class size in the early grades allows teachers to identify, and work more effectively with, students who have learning disabilities, thereby

potentially reducing those students' need for intensive special education services in the later grades. Rather than undermining the bipartisan effort to reduce class size--and setting parent against parent in school districts across the country--I would have preferred a bill that extended the President's initiative, so that school districts could plan to hire additional qualified teachers, provide additional classrooms, and take the other steps necessary to reduce class size. I certainly cannot support a bill that contains these Senate amendments and would recommend that the President disapprove it, if it were presented to him.

The Office of Management and Budget advises that there is no objection to the submission of this report and that from the standpoint of the Administration's program, enactment of H.R. 800 containing the Senate's amendments relating to the class size reduction initiative would not be in accord with the President's program. [Or do we want to say that enactment without the Senate amendments would be in accord with the President's program?]

Yours sincerely,

Richard W. Riley

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-MAR-1999 17:56:25.00

SUBJECT: wjw article

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

READ:UNKNOWN

TEXT:

Do you know the approximate date (ie, year) of the Wilson article?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 18:01:31.00

SUBJECT: MESSAGE MEETINGS - TAKE 3

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

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

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

CC: Antoinette D. Marchette (CN=Antoinette D. Marchette/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

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

CC: Ann C. Hertelendy (CN=Ann C. Hertelendy/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

CC: George G. Caudill (CN=George G. Caudill/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 be holding message meetings tomorrow in her office:

9:00 am: PBOR

9:30 am: Equal Pay

2:00 pm: Radio Address (Please note new time. thanks)

See you then!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 18:57:39.00

SUBJECT: Country of origin labeling

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

TEXT:

See attached. USDA says GAO is going to come out against labeling. We'll talk to them about the FSIS report on labeling.

----- Forwarded by Thomas L. Freedman/OPD/EOP on 03/30/99
06:47 PM -----

Eric Olsen <Eric.Olsen @ usda.gov>
03/30/99 05:35:00 PM

Record Type: Record

To: Thomas L. Freedman/OPD/EOP
cc:
Subject: COOL

COOL--Country of origin labeling.

Two things you need to be aware of, please share with Bruce.

GAO is likely to put out a report next week (we just had exit interview today)
saying essentially, bad idea, not enforceable, costs too much...

FSIS is doing also doing a study as required by the Omnibus (inserted after COOL was stripped out in conference). Trying to figure out timing etc and will provide further info.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Carl Haacke (CN=Carl Haacke/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 30-MAR-1999 19:31:36.00

SUBJECT: Comparable Worth

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

TEXT:

Sally wanted me to touch base with you to get your position on having a "comparable worth" person at the round table to highlight the issue, albeit not articulated specifically in these terms.

Let me know what you think.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 19:43:47.00

SUBJECT: medicare toll free number

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena --

Here is the information you and Chris spoke about:

Medicare toll-free line is now available nationwide. The new Medicare+Choice toll-free telephone line, 1800 MEDICARE, is now available nationwide to help Medicare beneficiaries make informed decisions about their health care. Callers to 1800 MEDICARE can:

Talk to a customer service representative in English or Spanish to get general information about Medicare

Get updated information about Medicare health plan options in their community

Get specific quality and satisfaction information about managed care plans

Receive referrals to agencies that can help with questions about Medicare bills or more complex questions about health insurance.

The new toll free line is part of the National Medicare Education Program, a comprehensive communications effort to help Medicare beneficiaries better understand the new health care options that are part of Medicare+Choice.

Chris wanted to make sure you knew that HHS is a little concerned that the line may not be adequately staffed to handle the influx of calls that will likely be associated with a Presidential announcement.

Please call with questions -- thanks.

Devorah

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-MAR-1999 19:45:22.00

SUBJECT: Re: wjw article

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

READ:UNKNOWN

TEXT:

Yes, but there's no date on it. I was just curious. I see citations as late as 1995 so it is probably 1996 or 97. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 19:58:25.00

SUBJECT: Memo re Helms v.Picard

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

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

TEXT:

Attached is a further revision of the memo per our discussions. I have tried to give greater emphasis to the Secretary's concerns. And I have presented our compromise approach in the last few paragraphs, and previewed it at the end of the opening paragraph.===== ATTACHMENT 1
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D70]MAIL485086100.136 to ASCII,
The following is a HEX DUMP:

FF57504370040000010A0201000000020500000062480000002000012DA3C5952C00C7E131FE9
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659888E4F9F92CE7DDAAEA9861BF8151A53BE54217ED207CE89642A6FC9018C074D2F12BBC85EB

DRAFT 3/28/99

MEMORANDUM TO THE PRESIDENT

FROM: Charles F.C. Ruff, Elena Kagan, Daniel Marcus

RE: Petition for certiorari in Helms v. Picard

This is to advise you of a difficult decision that the Solicitor General must make concerning whether to seek review by the Supreme Court of a Fifth Circuit decision holding that a federally funded program under which public school authorities lend computers and other instructional materials to sectarian elementary and secondary schools violates the Establishment Clause of the First Amendment. The Solicitor General feels strongly that a petition for certiorari should not be filed, and Secretary Riley feels strongly that one should be filed. We are trying to develop a middle course that would serve the Secretary's needs by making clear to the Court that we believe that it needs to revise its Establishment Clause jurisprudence to permit programs of this kind while also reflecting the Solicitor General's view that this particular case may not present the best vehicle for doing so.

In Helms v. Picard, a case arising in Jefferson Parish, Louisiana, the Fifth Circuit held that a provision of Chapter 2 of the Elementary and Secondary Education Act (ESEA) that authorizes local educational agencies (LEAs) to use federal funds to purchase computers and other materials for loan to private schools, including sectarian schools, is, as applied, in violation of the Establishment Clause. (That ESEA provision was replaced by a similar provision in Title VI of the Improving America's Schools Act of 1994.) The U.S. Department of Education, as well as the Louisiana and the Jefferson Parish public school authorities, were defendants in the case and are subject to an ongoing injunction.

If the Solicitor General is to file a petition for certiorari seeking to overturn the Fifth Circuit's decision, he must do so by April 13. He has discussed with us and with the Department of Education his view that the United States should not file a petition because he believes that the record is insufficient to convince the Court (in essence, Justice O'Connor, who is the swing vote) to overturn a series of earlier decisions limiting aid to sectarian schools.

In Helms, the Fifth Circuit found that two longstanding Supreme Court precedents -- Meek v. Pittenger, 421 U.S. 349 (1975), and Wolman v. Walter, 433 U.S. 229 (1977) -- dictated the conclusion that the Title VI/Chapter 2 program is unconstitutional. In those cases the Supreme Court struck down state laws that authorized public authorities to lend instructional equipment and materials to private schools, including sectarian schools, reasoning that such materials -- unlike secular textbooks, the lending of which to sectarian schools the Court had upheld in Board of Education v. Allen, 392 U.S. 236 (1968) -- could be used directly in aid of the sectarian enterprise of parochial schools. The Fifth Circuit rejected arguments that the Title VI/Chapter 2 program was distinguishable from those held unconstitutional in Meek and Wolman and also rejected arguments that Meek and Wolman had been repudiated or modified by the Supreme Court itself in later decisions -- particularly Agostini v. Felton, 521 U.S. 203 (1997),

in which a closely divided Court upheld the constitutionality of using Title I ESEA funds to send public school teachers into private sectarian schools to provide remedial education to disadvantaged children.

The Fifth Circuit's decision conflicts with an earlier decision of the Ninth Circuit in Walker v. San Francisco Unified School District, 46 F.3d 1449 (1995), upholding a similar Title VI/Chapter 2 program. In Walker, the Ninth Circuit found that Meek and Wolman were no longer good law in light of later Supreme Court decisions, particularly Agostini, that the Ninth Circuit viewed as establishing the principle that the Establishment Clause simply required "neutrality" between secular and religious schools in the provision of government aid.

The Solicitor General believes that, although it is important to persuade the Supreme Court to revise its Establishment Clause jurisprudence to permit programs of this kind, this is not the appropriate case in which to ask the Court to take that step. His reasoning is basically as follows: While the Supreme Court (most notably and recently in Agostini) has opened the door to some forms of assistance by public authorities to sectarian schools (or their students), its decisions have not called into question its longstanding holdings that direct aid to the sectarian school enterprise -- even on a "neutral" basis -- is forbidden. Thus, the provision of instructional materials that are capable of use by the sectarian school for religious purposes is forbidden. The Justice Department was unsuccessful in arguing to the Fifth Circuit that this case can be distinguished from Meek and Wolman, and we agree with the Solicitor General that, if we do seek Supreme Court review, we will have to ask the Court directly to overrule, at least in part, the Meek-Wolman precedents. (The two proffered distinctions are unconvincing: The fact that Title VI provides benefits to both public and private schools, while the programs invalidated in Meek and Wolman provided aid only to private schools provides no basis for distinction since the Meek and Wolman statutes were designed to provide private school students with what public school students already had. And the fact that the Title VI aid "supplements" rather than "supplants" private school expenditures, while relevant in some other contexts, probably is irrelevant here, where the focus is whether the aid promotes the private school's religious mission.)

The Supreme Court could be asked to overrule these precedents on one of three theories. First, we could embrace the "neutrality" principle advocated by Justices Rehnquist, Scalia, and Thomas, and argue that the Court should allow direct aid to parochial schools so long as it does not prefer one religion to another and does not favor the religious over the non-religious. Second, we could urge the Court to abandon its treatment of elementary and secondary sectarian schools as "pervasively religious" institutions, regarding them instead -- like religiously-affiliated universities -- as institutions in which the secular and the sectarian aspects of operations can easily be kept separate. The Solicitor General believes that neither of these broad arguments would be successful or should be made, and we and the Department of Education agree.

There is a third, less radical argument that the Solicitor General believes can and should be made in an appropriate case. This argument would not challenge the principle that the Government cannot directly aid the religious mission of a sectarian school, but would urge the Court to abandon its insistence that materials provided to such schools be "incapable of

diversion” to sectarian purposes, and substitute a test that would look to whether there are adequate safeguards against such diversion.

Justice O’Connor is the key to the success of any such argument. Four Justices -- Rehnquist, Scalia, Kennedy, and Thomas -- have indicated a willingness to go this far, and probably further. But the four “liberal” Justices -- Stevens, Souter, Ginsburg, and Breyer, all of whom dissented in Agostini -- would almost certainly reject it. O’Connor wrote Agostini, but she has not gone so far as to question the principle that public funds may not be used to support the religious enterprise of a sectarian school. The Solicitor General believes, however, that she could be persuaded to uphold programs such as Title VI if she were convinced that there were adequate safeguards to ensure that the computers or other materials lent to the sectarian schools would, in fact, be used for secular, not religious, purposes. These safeguards could take the form of certifications by the private schools, monitoring visits by public school teachers or officials, prescreening of library books, and sanctions for violations. (The Court would have to find that such safeguards did not amount to the “excessive entanglement” of state with church that is forbidden by decisions such as Lemon v. Kurtzman, 403 U.S. 602 (1971), or would have to revise its “excessive entanglement” doctrine.)

After the Fifth Circuit decision, the Department of Education, in consultation with the Department of Justice, did publish a Guidance on compliance with Title VI, directing LEAs to employ several safeguards to ensure that equipment and materials lent to sectarian schools will not be diverted to religious purposes. For the first time, this Guidance amplifies the very general requirement in the statute and the Department’s regulations that the LEA “ensure secular use.” It provides that the LEA should obtain written assurances from private schools that materials will be used only for secular purposes; should review the contents of library books lent to private schools and conduct periodic on-site monitoring; and should ensure that violations are promptly corrected, including, if necessary, removing the materials from the private school.

Nonetheless, the Solicitor General believes that Helms v. Picard is not the right case in which to make the “adequate safeguards” argument. The case was brought in 1984, challenging the former Chapter 2 of ESEA, and neither the ESEA nor Title VI of the 1994 statute nor the regulations in place at the time the case was decided contained any restrictions on the use of loaned materials other than the general requirement that the public agency ensure that the loaned materials be used only for secular purposes. Nor had either Louisiana or Jefferson Parish implemented an effective monitoring program to meet that requirement. Since the Solicitor General believes that it will be difficult, even on a good record, to persuade Justice O’Connor to embrace an “adequate safeguards” exception to the Meek and Wolman line of cases, he worries not only that she will reject that argument, but also that she will react negatively to what she will regard as a disingenuous argument by the Solicitor General that there were adequate safeguards in this case. He is concerned, as well, that her unhappiness will carry over to other cases in which we need her vote. The Guidelines adopted recently by the Department of Education are an improvement in this regard, but the Solicitor General thinks they are too late to be of much help in this case and, in any event, has advised the Department to adopt an amended Guidance or (preferably) regulations embodying more specific safeguards against diversion of computers and other materials to use for sectarian purposes.

Of course, if no cert petition is filed, the injunction in Helms v. Picard would remain in effect. The Solicitor General notes, however, that the Fifth Circuit decision does not strike down the statute on its face, and applies only to the particular program at issue in the Helms case.

The decision is the law only in the Fifth Circuit (Texas, Louisiana and Mississippi), and, even there, LEAs are free to devise other programs under Title VI. The Solicitor General hopes that, with a new Guidance or regulations, a more attractive program (with safeguards) could be adopted by an LEA and become a more promising vehicle for winning over Justice O'Connor and, thus, a majority of the Court.

The Secretary of Education and his General Counsel strongly disagree. They do not want to wait for that better case. They are convinced that the private school community will not understand why the Administration, having supported the legality of this program during more than a decade of litigation in the lower courts, is abandoning them at the Supreme Court stage and allowing the Fifth Circuit decision to stand. Indeed, Secretary Riley feels that he has made a personal commitment to the private school groups to defend the current program. They believe that we should not give up on the distinctions urged unsuccessfully in the Fifth Circuit but successfully in the Ninth Circuit. And they think the Justice Department understates the difficulty that LEAs will have in devising viable Title VI programs during the time (perhaps a long time) before a better case can be found and work its way up to the Supreme Court. They recognize that Helms v. Picard is not the ideal case to present to the Court and that it is by no means a sure winner. But they are not as pessimistic as the Solicitor General is, and they think the importance of this kind of program from both a policy and a political standpoint should lead us to take the risk involved in petitioning for certiorari.

The disagreement between the Solicitor General and the Secretary is a strong one, but is basically over strategy and tactics, not principle. All agree that it is important to persuade the Supreme Court to move away from a strict "incapable of diversion" test to a more flexible, realistic test that permits the implementation of programs to provide computers to all children, whether they are in public or private schools. We agree with the Solicitor General's conclusion that this will not be an easy "sell" to Justice O'Connor, the swing vote on the Court on this issue, and that we would be better off presenting that argument in a case in which there was a stronger record of safeguards in place to assure that the computers would not be used for religious purposes. (We do think, however, that the Solicitor General's fears about the consequences of losing this case are somewhat overstated.)

A possible middle course is suggested by the fact that some of the other intervenors/defendants in this case are almost certain to seek Supreme Court review even if we do not. The Solicitor General had proposed to us that, in that event, the United States should file an opposition to their petition for certiorari, arguing that while the Meek-Wolman precedents need to be reconsidered by the Court, this is not the appropriate case in which to do so. But we have begun to discuss with the Solicitor General and the Secretary a somewhat different possibility -- one that we believe would be more acceptable to the Secretary and the private school community while still accepting and presenting the Solicitor General's view on the legal

issues and the nature of this case. Instead of opposing certiorari, the Solicitor General would take no position on whether the Court should take the case, but would instead file a response to the intervening defendants' petition that emphasizes the importance of programs like Title VI, particularly in providing access to computers for all children; explains the need for the Court to modify its precedents; presents the "adequate safeguards" approach that we think the Court should adopt; points to the recent Department of Education Guidance and possible additional guidance from the Department to LEAs; and concludes that the Court has the option of taking this case and deciding this important constitutional question on the record before it or waiting for a case presenting a record containing more specific safeguards in line with the subsequent Guidelines.

If this approach makes sense to you, we will continue our efforts to convince the Secretary and the Solicitor General to agree to it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-MAR-1999 21:43:14.00

SUBJECT: FYI:

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

READ:UNKNOWN

TEXT:

Jury Awards \$81M in Tobacco Lawsuit

By WILLIAM McCALL Associated Press Writer
PORTLAND, Ore. (AP) -- In the biggest liability
verdict ever
Philip Morris to
who died of
decades.
The victory by the wife and children of Jesse
second major hit against Philip Morris this
Francisco jury awarded \$51.5 million last month
smoker who has inoperable lung cancer.
The jury, which found Williams and the company
negligent, awarded \$1.6 million in compensatory
damages and
\$79.5 million in punitive damages.
Oregon's product liability laws require a
plaintiff to be no more
than 50 percent at fault to win damages.
Although no smoking liability verdict against
the tobacco
industry has survived on appeal, Wall Street
analysts had' been
watching the Portland case closely to see if
huge damage
awards against Big Tobacco were now a trend.
"It will make the stocks go down," said Gary
Black, an industry
analyst with the New York brokerage firm Sanford
C. Bernstein & Co. "This will persuade the industry
to start
thinking the tide may be turning."
The Williams family, who sought \$101 million,

alleged the
with the
Marlboro
sell a harmful
was diagnosed
67 and left
wish," said Mrs.
stop lying
appeal. He
of prevailing in
supported by the
passion and
three
more than two
conflicting
diagnosis,
aimed at
before or after 1988.
caused by
couldn't be held
seek damages
a product liability

company knew its cigarettes could cause cancer.
Testimony portrayed Williams, a former janitor
Portland school system, as a three-pack-a-day
smoker who believed the manufacturer wouldn't
product and who was heavily addicted to nicotine.
Williams died in 1997 just five months after he
with small-cell carcinoma of the lungs. He was
behind a wife, Mayola, and six adult children.
"My late husband Jesse Williams had a dying
Williams. "He wanted to make cigarette companies
about the health problems of smokers."
Philip Morris attorney Walter Cofer said he will
noted the tobacco industry has a 40-year history
such cases.
"If you look at this verdict, it was not
evidence," Cofer said. "It was a product of
prejudice."
The 12-member Circuit Court jury, which included
smokers and four former smokers, spent a little
days reviewing a month of technical and often
testimony from experts in such areas as cancer
radiology and the chemistry of tobacco smoke.
Much of the medical testimony on both sides was
showing that Williams' cancer arose either
If the jury concluded that Williams' cancer was
cigarettes smoked before 1988, Philip Morris
liable under Oregon law.
That's because Oregon law allows plaintiffs to
going back only eight years before the filing of
suit.

awarded
times -- twice in
verdicts were
thought the tobacco
have a crack in
of Action on
attorneys for the
documents to bolster
that information
could harm
doctors and family

Besides the San Francisco case, U.S. juries have
damages in smoking liability cases only three
Florida and once in New Jersey. All three
overturned on appeal.

"As little as three years ago most people
industry was invulnerable. This case shows we
the dam," said John Banzhof, executive director
Smoking and Health, a leading tobacco opponent.
In closing arguments in the Portland case,
Williams family cited internal Philip Morris
their claim that the company long knew about the
cancer-causing potential of cigarettes and hid
from its customers.

Cofer said Williams was well aware that smoking
his health and had been warned of that by
members.

Philip Morris en

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 08:41:21.00

SUBJECT: Boston

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

Rep. Marty Meehan sponsored a bill, H.R. 193, that designates 29 miles of the Assabet, Concord, and Sudbury rivers in Massachusetts as components of the national

wild and scenic rivers systems. The legislation arose from a grassroots movement started over a decade ago and hundreds of people have worked extremely hard to make this legislation happen.

This is the very first piece of legislation that Meehan has passed, and he is hoping for a bill-signing ceremony. If we can coordinate the timing on receiving the bill, what about signing this in Boston on April 16? Sen. Kennedy took the lead in the Senate and Reps. Olver, Neal, McGovern, Frank, Tierney, Markey, Moakley, and Delahunt are all cosponsors.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 09:01:10.00

SUBJECT: Senior Staff Coverage for the Weekend, April 1 - 4

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

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

CC: Teresa M. Jones (CN=Teresa M. Jones/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

please let me know your contact numbers for this weekend. Thanks.
----- Forwarded by Laura Emmett/WHO/EOP on 03/31/99 09:00
AM -----

ANTOINETTE D. MARCHETTE
03/31/99 08:54:51 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Kelli R. McClure/WHO/EOP
Subject: Senior Staff Coverage for the Weekend, April 1 - 4

I will be collecting information on Senior Staff Coverage for April 1 through April 4. I will need information on where the Senior Staff will be for each day throughout this period, whether it is in the office or out of the area.

Please have this information to me by COB today, it is very important.

Thank you.

Message Sent

- To: _____
- Brian A. Alcorn/WHO/EOP
 - Kevin S. Moran/WHO/EOP
 - Jonathan E. Smith/WHO/EOP
 - Edward F. Hughes/WHO/EOP
 - Laura Emmett/WHO/EOP
 - Katharine Button/WHO/EOP
 - Maria E. Soto/WHO/EOP
 - Mindy E. Myers/WHO/EOP
 - Diana C. Donnelly/WHO/EOP
 - Virginia L. Cearley/WHO/EOP
 - Gay L. Joshlyn/OPD/EOP
 - Betty W. Currie/WHO/EOP
 - Mary Morrison/WHO/EOP
 - Cynthia M. Jasso-Rotunno/WHO/EOP

Bethany T. Przeworski/WHO/EOP
Heather M. Riley/WHO/EOP
Joseph D. Ratner/WHO/EOP
Ilia V. Velez/WHO/EOP
Carolyn E. Cleveland/WHO/EOP
Scott R. Hynes/OVP @ OVP
Lisa J. Levin/WHO/EOP
Anne Whitworth/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:31-MAR-1999 09:48:00.00

SUBJECT: Supreme court gun case Q&A

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

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

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

TEXT:

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

TEXT:

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**Supreme Court Gun Case
Question and Answer
March 31, 1999**

Q: Yesterday, the U.S. Supreme Court reversed a lower court decision and held that individuals charged in multi-state crime sprees can be prosecuted in any of those states for using a gun even if they used the gun in only one state. Are you supportive of the Court's decision?

A: Criminals who threaten the public safety by using guns during the commission of violent crimes should be subject to the tough, mandatory sentences set out in federal law. We are pleased with the Court's strong 7-2 decision in favor of the Justice Department's appeal to make sure we can bring armed criminals engaged in multi-state crimes to justice.

The President recently signed into law provisions to further strengthen penalties for criminals who use guns to commit their crimes. The law signed by the President last November assures that criminals who possess firearms in furtherance of drug-related or violent crimes receive an additional 5-year sentence for their possession of the firearm, and adds a new penalty for those who brandish firearms during the commission of their crime.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Nicole R. Rabner (CN=Nicole R. Rabner/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-MAR-1999 11:07:20.00

SUBJECT: Dodd Amendment on Child Care

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

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

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

READ:UNKNOWN

TEXT:

We met yesterday with Jeanne Ireland from Dodd's office and leading child care advocates to discuss strategy around the successful Dodd child care amendment to the Senate budget resolution.

Dodd's office reported on a recent meeting with the Dem Senate budget staff, who explained what is likely to happen next. The Conference Report will direct a certain level of total funding to the Committee of jurisdiction (presumably, but apparently not definitively, Finance) for all its programs, including mandatory child care dollars. The best case scenario is for the Conference Report to include language specifically designated additional funds for the child care block grant. But, Jeanne reported, the budget staff urged that even without this language, Dodd should declare victory on his amendment, because the total dollars directed to the Committee could include these additional child care dollars. Either way, we would then collectively turn our attention to working the Committee. Jeanne said that the bills are being conferenced on a staff level during recess, and the Conference Report will likely be announced the week of April 12th.

We discussed strategy -- both visibility on the issue and behind-the-scenes work -- for the next many weeks. Jeanne seemed very nervous about the White House being highly visible in the short term, suggesting that any indication that the R's who voted for the child care increase handed the President a victory will doom it to the sidelines. She did think it was helpful, however, to continue to raise the importance of the issue of child care generally, and even conceded that a carefully worded Presidential statement about the leadership of the Senate on a bipartisan basis on this issue would be okay, and perhaps advisable.

I suggest we consider a few things:

(1) Adding a few sentences as described above to the President's comments on the release of the TANF rule (reiterating his commitment to child care, lauding the Senate);

(2) Using upcoming appearances by the First Lady to reinforce the President's comments and highlight the issue; and

(3) Developing a behind-the-scenes strategy both for the Conference of the

budget resolution and beyond. Obviously, this will be sensitive due to our overall opposition to the budget resolution. However, I think we should consider calls to key Budget House and Senate members (perhaps including any amenable Conferees, when they are appointed), as well as letters from our Principals urging attention to this issue.

Perhaps we should call an internal legislative strategy meeting sometime next week to discuss further -- Bruce or Elena, do you want to chair?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 11:36:55.00

SUBJECT: DPC Team Leaders Mtg -- Time Change

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

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

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

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

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

CC: Teresa M. Jones (CN=Teresa M. Jones/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

TEXT:

There will be a DPC Team Leaders Meeting on Monday, April 5, at 4:00 p.m. in Bruce's office. See you then.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 11:45:43.00

SUBJECT: Crime Strategy Meeting

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

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

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

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

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

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

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

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

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

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

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

TEXT:

There will be a Crime Strategy Meeting on Monday, April 5, at 3:00 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 12:00:52.00

SUBJECT: ESEA Reauthorization Meeting Thurs, Apr 1 at 5:00PM

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

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

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

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

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

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

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

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

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

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

TEXT:

We have scheduled another ESEA Reauthorization meeting for Thurs., Apr 1 at 5:00PM in Barbara Chow's office (OEOB 260). The topic to be covered will be Bilingual Education. Please forward this message to anyone I may

have missed. Thank you.

Attendees:

Barbara Chow, OMB
Bruce Reed, DPC
Elena Kagan, DPC
Neera Tanden, DPC
Jon Schnur, OVP
Tanya Martin, DPC
Broderick Johnson, WHLA
Mike Smith, ED
Mike Cohen, ED
Ann O'Leary, ED
Diane Rogers, ED
Scott Fleming, ED
Tom Corwin, ED
Judith Johnson, ED

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 12:09:58.00

SUBJECT: LRM CJB34 - - EDUCATION Draft Bill on Transition to Teaching ("Troops to T

TO: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: tom.herlihy@ost.dot.gov@inet (tom.herlihy@ost.dot.gov@inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

TO: 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: lrm (lrm @ nsf.gov @ inet [UNKNOWN])
READ:UNKNOWN

TO: dot.legislation (dot.legislation @ ost.dot.gov @ inet [UNKNOWN])

READ:UNKNOWN

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

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

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

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

TO: Bryan R. Smith (CN=Bryan R. Smith/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: Daniel J. Chenok (CN=Daniel J. Chenok/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: Neera Tanden (CN=Neera Tanden/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

TO: Bethany Little (CN=Bethany Little/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: Bruce N. Reed (CN=Bruce N. Reed/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: Barry White (CN=Barry White/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

TO: dodlrs (dodlrs @ osdgc.osd.mil @ inet [UNKNOWN])
READ:UNKNOWN

TEXT:

Please comment by: 11:00 a.m., Monday, April 5, 1999

The draft bill language can be found on the following website:

http://tabula.ost.dot.gov/ed
Use the following identifying information:
username: LRM
password: text

(See LRM below for more information regarding website)

----- Forwarded by Constance J. Bowers/OMB/EOP on 03/31/99
11:32 AM -----

LRM ID: CJB34
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Wednesday, March 31, 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 Transition to Teaching ("Troops to Teachers") - Part B, Subpart 1, Title II (Professional Development), of the Elementary and Secondary Education Act Reauthorization

DEADLINE: 11:00 a.m. Monday, April 5, 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: The draft bill language can be found on the following website:

http://tabula.ost.dot.gov/ed
Use the following identifying information:
username: LRM
password: text

[Note: The website has been established as a central point for reviewers to access all of the many pieces of ED's draft bill to reauthorize the ESEA. Because of the magnitude of this bill, review and clearance is being handled in separate parts. Most of these parts have been sent to you electronically as word processing files; however, some reviewers have experienced difficulty accessing the documents because of incompatible word processing systems. You may also access these documents electronically. Thanks for your cooperation.]

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84-National Science Foundation - Lawrence Rudolph - (703) 306-1060

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- Barbara Chow
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- Bryan R. Smith
- Suzanne L. White
- David E. Tornquist
- Sarah G. Horrigan
- Janet R. Forsgren
- James J. Jukes

LRM ID: CJB34 SUBJECT: EDUCATION Draft Bill on Transition to Teaching ("Troops to Teachers") - Part B, Subpart 1, Title II (Professional Development), of the Elementary and Secondary Education Act Reauthorization

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)

{Note: This will be Subpart 1 of Part B ("Teachers for Tomorrow")}

TRANSITION TO TEACHING

SEC. XXX. Title II of the Act is further amended by adding a new subpart 1 of Part B to read as follows:

"SUBPART 1 -- TRANSITION TO TEACHING

"FINDINGS

"SEC. 2201. The Congress finds as follows:

"(1) School districts will need to hire more than 2 million teachers in the next decade. The need for teachers in the areas of math, science, foreign languages, special education, and bilingual education, and for those able to teach in poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

"(2) Nearly 28 percent of teachers of academic subjects have neither an undergraduate major nor minor in their main assignment fields. This problem is more acute in high-poverty schools, where the out-of-field percentage is 39 percent.

"(3) Out-of-field teaching is greatest in math and science, with 26 percent of students in high-poverty public secondary schools being taught math by a teacher with neither a major nor a minor in the field, and 71 percent of such students being taught physics by such a teacher.

"(4) The Third International Math and Science Study (TIMSS) ranked U.S. high school seniors last among 16 countries in physics and next to last in math. It is also evident, mainly from the TIMSS data, that based on academic scores, a stronger

emphasis needs to be placed on the academic preparation of our children in math and science.

"(5) One-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

"(6) Many career-changing professionals with strong content-area skills are interested in a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience.

"(7) The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in low-performing, high-poverty schools districts.

"PURPOSE

"SEC. 2202. The purpose of this subpart is to address the need of high-poverty school districts for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, in high-poverty school districts by—

"(1) continuing and expanding the Troops to Teachers model for recruiting, preparing, placing, and supporting such teachers; and

"(2) recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

"PROGRAM AUTHORIZED

"SEC. 2203 (a) Authority.--Subject to subsection (b), the Secretary is authorized to use funds appropriated under subsection (c) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this subpart.

"(b) Troops to Teachers.—(1) Before making awards under subsection (a) for any fiscal year, the Secretary shall first—

"(A) Consult with the Secretary of Defense and the Secretary of Transportation regarding the appropriate amount of funding needed to continue and enhance the Troops to Teachers program; and

"(B) Upon agreement, transfer that amount to the Defense Activity for Non-Traditional Education Support (DANTES) to carry out the Troops to Teachers program, consistent with the requirements of this subpart.

"(2) The Secretary may enter into a written agreement with the Departments of Defense and Transportation, or take such other steps as the Secretary determines are appropriate to ensure effective continuation of the Troops to Teachers program.

"(c) Authorization of Appropriations. For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.

"APPLICATION

"SEC. 2204. Each applicant that desires an award under section 2303(a) shall submit an application to the Secretary containing such information as the Secretary requires, including—

"(1) a description of the target group of career-changing professionals upon which the applicant will focus in carrying out its program under this subpart, including a description of the characteristics of that target group that shows how the knowledge and experience of its members is relevant to meeting the purpose of this subpart;

"(2) a description of how the applicant will identify and recruit program participants;

"(3) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

"(4) a description of how the applicant will ensure that program participants are placed and teach in high-need local educational agencies;

"(5) a description of the teacher induction services (which may be provided through existing induction programs) the program participants will receive throughout at least their first year of teaching;

"(6) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this subpart, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

"(7) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

"(A) the program's goals and objectives;

"(B) the performance indicators the applicant will use to measure the program's progress; and

"(C) the outcome measures that will be used to determine the program's effectiveness; and

"(8) an assurance that the applicant will provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this subpart.

"USES OF FUNDS AND PERIOD OF SERVICE

"SEC. 2205. (a) Authorized Activities. Funds under this part may be used for—

"(1) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

"(2) training stipends and other financial incentives for program participants, such as moving expenses, not to exceed \$5,000, in the aggregate, per participant;

"(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

"(4) placement activities, including identifying high-need local educational agencies with needs for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

"(5) post-placement induction or support activities for program participants.

"(b) Period of Service. A program participant in a program under this subpart who completes his or her training shall teach in a high-need local educational agency for at least four years.

"(c) Repayment. The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

"EQUITABLE DISTRIBUTION

"SEC. 2206. To the extent practicable, the Secretary shall make awards under this subpart that support programs in different geographic regions of the Nation.

"DEFINITIONS

"SEC. 2307. As used in this subpart—

"(1) the term 'high-need local educational agency' means a local educational agency that serves an elementary or secondary school located in an area in which there is, as determined by the Secretary—

"(A) a high percentage of students from families with incomes below the poverty line;

"(B) a high percentage of secondary school teachers not teaching in a content area in which they were trained; or

"(C) a high teacher turnover rate; and

"(2) the term 'program participants' means career-changing professionals, including returning or separating military personnel, who—

"(A) hold at least a baccalaureate degree;

"(B) demonstrate interest in, and commitment to, becoming a teacher; and

"(C) have knowledge and experience that is relevant to teaching a high-need subject area in a high-need local educational agency."

THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1999
Section-by-Section Analysis
TITLE II--PART B—Subpart 1

Section XXX. Section XXX of the bill would amend Title II of the Act by adding a new subpart 1 of Part B, authorizing the Transition to Teaching Program.

Proposed new section 2201 of the Act would set out the Congressional findings for the new subpart. In the next decade, school districts will need to hire more than 2 million teachers, especially in the areas of math, science, foreign languages, special education, and bilingual education. The need for teachers able to teach in poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

Nearly 28 percent of teachers of academic subjects have neither a major nor a minor in their main assignment fields. This problem is even more acute in high-poverty areas, where the out-of-field percentage is 39. Out-of-field teaching is greatest in math and science, with 26 percent of students in high-poverty public secondary schools being taught math, and 71 percent of such students being taught physics, by a teacher with neither a major nor minor in the field.

Additionally, the Third International Math and Science Study (TIMSS) ranked U.S. high school seniors last among 16 countries in physics, and next to last in math. Based mainly on TIMSS data, it is also evident that a stronger emphasis needs to be placed on the academic preparation of our children in math and science.

Further, one-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

Many career-changing professionals with strong content-area skills are interested in making a transition to a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience. The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in low-performing, high-poverty school districts.

Proposed new section 2202 of the Act would establish the statement of purpose for the program. Under proposed new section 2202, the purpose of the program would be to address the shortage of highly qualified teachers in subject areas such as mathematics, science, foreign languages, bilingual education, and special education, in high-poverty school districts. This would be accomplished by continuing and expanding the Troops to Teachers model for recruiting, preparing, placing, and supporting such teachers, and by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that would help them become such teachers.

Proposed new section 2203 of the Act would establish the program authority and the authorization of appropriations for the Transition to Teaching program. Under proposed new section 2203(a), the Secretary would be authorized to use funds appropriated under proposed new section 2203(c) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this subpart.

Proposed new section 2203(b)(1)(A) would provide that before making any awards under proposed new section 2203(a), the Secretary would be required to consult with the Secretaries of Defense and Transportation with respect to the appropriate amount of funding necessary to continue and enhance the Troops for Teachers program. Additionally, proposed new section 2203(b)(1)(B) would provide that upon agreement, the Secretary transfer the amount under proposed new section 2203(b)(B) to the Defense Activity for Non-Traditional Education Support (DANTES) to carry out the Troops for Teachers program, consistent with the requirements of this subpart. Further, proposed new section 2203(b)(2) would allow the Secretary to enter into an agreement with the Departments of Defense and Transportation, or take such steps as the Secretary determines are appropriate to ensure effective continuation of the Troops to Teachers program.

Finally, proposed new section 2203(c) would authorize the appropriation of such sums for fiscal year 2001 and each of the four succeeding fiscal years to carry out this subpart.

Proposed new section 2204 of the Act would establish the application process requirements. Proposed new section 2204 would provide that an applicant that desires a grant under this chapter must submit to the Secretary an application containing such information as the Secretary may require. Under proposed new paragraph (1) of section 2204, applicants would be required to include a description of the target group of career-changing professionals upon which they would focus in carrying out their programs under this subpart, including a description of the characteristics of that target group that shows how the knowledge and experience of its members is relevant to meeting the purpose of this subpart. Under paragraphs (2) and (3) of proposed new section 2204, an applicant would also be required to describe how it plans to identify and recruit program participants, as well as what type of training program participants would receive and how that training would relate to their certification as teachers.

Paragraph (4) of proposed new section 2204 would require an applicant to describe how it would ensure that program participants were placed and would teach in high-need local educational agencies (LEAs). Paragraph (5) would require a description of the teacher induction services program participants would receive throughout at least their first year of teaching. Paragraph (6) of proposed new section 2204 would require an applicant to describe how the applicant would collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program

participants under this part, including evidence of the commitment of the institutions, agencies, or organizations to the applicant's program.

Paragraph (7) of proposed new section 2204 would require a description of how the applicant would evaluate the progress and effectiveness of its program, including the program's goals and objectives, the performance indicators the applicant would use to measure the program's progress and the outcome measures that would be used to determine the program's effectiveness. Finally, paragraph (8) of proposed new section 2204 would require an assurance that the applicant would provide to the Secretary such information as the Secretary determines necessary to assess the overall effectiveness of programs under this subpart.

Proposed new section 2205 would describe the activities authorized under this subpart. Under proposed new section 2205(a)(1), funds received under this subpart could be used to recruit program participants. The recruitment could include informing program participants of opportunities under the program, and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them. Proposed new section 2205(a)(2) would authorize training stipends and other financial incentives for program participants. This could include moving expenses, not to exceed \$5,000, in the aggregate, per participant.

Proposed new section 2205(a)(3) would authorize the use of funds under this subpart to assist institutions of higher education or other providers of teacher training to meet the particular needs of professionals who are changing their careers to teaching. Proposed new section 2205(a)(4) would authorize placement activities, including identifying high-need LEAs with needs for particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those LEAs. Proposed new section 2205(a)(5) would authorize post-placement induction or support activities for program participants.

Proposed new section 2205(b) would establish the period of service. Under proposed new section 2205(b), a program participant who completes his or her training would be required to teach in a high-need LEA for at least four years. Proposed new section 2205(c) would allow the Secretary to establish appropriate requirements to ensure that program participants who receive a training stipend or other financial incentive but fail to complete their service obligation repay all or a portion of such stipend or other incentive.

Proposed new section 2206 would require the Secretary, to the extent practicable, to make awards under this subpart that support programs in different geographic regions of the nation.

Finally, proposed new section 2207 would establish definitions for the program. Proposed new section 2207(1) would define the term "high-need local educational agency" as an LEA that serves an elementary or secondary school located in an area in which there is, as determined by the Secretary, a high percentage of students from

families with incomes below the poverty line, a high percentage of secondary school teachers not teaching in the content area in which they were trained; or a high teacher turnover rate. Proposed new section 2207(2) would define the term "program participants" as career-changing professionals, including returning or separating military personnel, who hold at least a baccalaureate degree, demonstrate interest in, and commitment to becoming a teacher, and have knowledge and experience relevant to teaching a high-need subject area in a high need LEA.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 12:15:10.00

SUBJECT: profiling exec order

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

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

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

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

TEXT:

Is the memo to president outlining the plan here and options ready to go as we discussed last week? I think DOJ's plan for a convening of law enforcement and civil rights leaders in mid-April as Elena described this am sounds great. real progress here. By the way, I thought I should pass on that both of you and Riley are getting high marks for the willingness and openness to work with the civil rights groups on esea--suggests to me that progress can still be made even if there's not full agreement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 12:36:33.00

SUBJECT: Draft

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

This is our draft proposal Ellen V. at EEOC is shopping around to the groups. I've read it to Treasury and Commerce who are ok with it. When we hear back from Ellen, Mary will inform OMB, VP, etc. we have a deal (it isn't that different from the bullet points they agreed to previously), then Caroline F. and Mary can pass it along to Carmel in Daschle's office.

Proposal

Revised Pay Information Provision (S.71 in 105th)

Sec. 4 COLLECTION OF PAY INFORMATION BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

Section 709 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4) is amended by adding at the end the following new subsection:

□(1) The Commission shall, not more than 18 months following the enactment into law of this subsection:

A. Complete a survey of data that is currently available to the federal government relating to employee pay information for use in the enforcement of the federal laws prohibiting pay discrimination and, and in consultation with other relevant federal agencies, identify additional data collections that will enhance enforcement of these laws, and

B. After consideration of this study and consultation, by regulation provide for the collection of pay information data from employers who have 100 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year described by the sex, race, and national origin of employees.

(2) In implementing Section (1), the primary factor the Commission shall consider is the most effective means for enhancing the enforcement of the federal laws prohibiting pay discrimination. The Commission shall also consider other factors including: imposition of burden on employers; the frequency of reports including which employers should be required to annually prepare reports; and the most effective format of the report for data collection.

(3) the Commission is authorized up to \$2 million to promulgate this regulation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-MAR-1999 13:04:49.00

SUBJECT: Re: wjw article

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

TEXT:

Thanks. By the way, what is your timing re Civil Rights section that was distributed Friday? tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lisa M. Jones (CN=Lisa M. Jones/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:31-MAR-1999 13:18:45.00

SUBJECT: Headsup

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

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

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

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

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

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

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

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

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

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

TO: Janet L. Yellen (CN=Janet L. Yellen/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

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

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

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

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

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

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

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

READ:UNKNOWN

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

TEXT:

Memo was signed on Friday, March 26, 1999.

MEMORANDUM FOR JOHN PODESTA

THROUGH: Jacob J. Lew
Sylvia Mathews

FROM: Don Arbuckle

SUBJECT: Heads-Up Clearance of Regulations

Within the next several days we will be clearing four high profile regulations.

- Temporary Assistance to Needy Families (TANF) final regulation from HHS

We have completed our review of the Department of Health and Human Service's (HHS,) Temporary Assistance to Needy Families (TANF) regulations on Friday, March 26th. This final rule implements the 1996 welfare reform statute. The TANF rule as proposed in November 1997, generated significant criticism from States and advocates for poor families. They argued that the proposal was overly burdensome, discouraged State innovation, and demonstrated a mistrust of how States will exercise the discretion that the statute intended to provide. In response to these comments, HHS has revised the final rule significantly to increase flexibility and reduce burden while maintaining accountability.

The final rule will likely receive significant attention. Reaction is expected to be mostly favorable given the changes from the NPRM, although the rule could still receive criticism for excessive requirements on States. A rollout is being planned by DPC for mid-April.

- OFHEO Risk Based Capital Regulation

OMB completed its review of the Office of Federal Housing Enterprise Oversight Risk-Based Capital Regulation for Fannie Mae and Freddie Mac on Thursday, March 25th. The rule was sent to the Hill Friday afternoon, March 26th. At about the same time, OFHEO issued a press release. Congress will have 15 calendar days to comment on the rule before it is published in the Federal Register and the public will have 120 days after that to comment on the proposed rule.

The rule specifies the risk-based capital stress test that will determine the amount of capital each Enterprise is required to hold to maintain positive capital throughout a ten-year period of economic stress. There is great interest in Congress and the financial community in seeing the proposed rule and determining its impact on the Enterprises and mortgages markets. Fannie Mae has publically expressed concern about the possible impact on its operations and mortgage markets, while Freddie Mac has called for its publication.

☐☐ - Workforce Investment Act (WIA) Regulations from DOL

On Thursday, March 25th OMB completed its review of the Department of Labor's (DOL) interim final regulation implementing the Workforce Investment Act (WIA) of 1998. Based on the President's G.I. Bill for America's Workers proposal, WIA reforms and streamlines the nation's employment and training system by consolidating numerous publicly funded job training and employment programs. Key WIA reforms include the development and implementation of a network of one-stop centers that provides a central point of entry to services, and individual training accounts, or vouchers, to finance adult training.

The interim final rule may receive some attention from locally elected officials who have lobbied DOL for a greater role in the governance of the system. Also, members of both the minority and majority on Hill sent a letter to the President (11/24/98) stressing the importance of coordination between the Federal agencies in providing services through the one-stop. In response to this letter, DOL conducted extensive consultations with its Federal partners and State and locals in developing this interim final rule, and will continue this consultative process during WIA implementation, which begins on July 1, 1999. DOL expects to publish a final rule in December 1999.

☐☐ - DOL's Helpers' Regulation

OMB will be completing its review of the Department of Labor's proposed helpers' regulation during the early part of the week of March 29th. The proposed regulation governs the use of semi-skilled helpers, who assist skilled journeymen on Davis-Bacon construction projects. The proposal would place into regulation the Department's current policy of strictly limiting the use of helpers. This issue has been the subject of Congressional riders and court decisions over the past 15 years, which for all but a short period in 1992-93 also had the effect of strictly limiting the use of helpers on Federal construction contracts.

Please let us know if you have any questions or concerns on any of these regulations.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-MAR-1999 14:21:06.00

SUBJECT: racial profiling

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

READ:UNKNOWN

TEXT:

If there's (or when there's) paper floating around on this issue, could I get in the loop? Thanks. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 15:35:05.00

SUBJECT: Data Collection

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I talked to Judy Applebaum who said the provision looked acceptable and that I could "leave town with my conscience clear that the compromise was acceptable." She recommended taking out the 100 employee floor, that wasn't in the original bullet points that Treasury and Commerce agreed to anyway, I think we should. Mary will double check with a couple of other folks and then I think it is ready to pass on to Daschle.

The other consideration is that the Senate is out of session past our event, so while we should push hard to get agreement to specific language, Daschle won't be able to formally drop the bill until after the event. Thus, while the President will be endorsing a bill and a data collection provision in general, we could always tweak the specific language afterwards.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa N. Benton (CN=Melissa N. Benton/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:31-MAR-1999 16:31:44.00

SUBJECT: LRM MNB37 - - REVISED LABOR Draft Bill on Alien Labor Certification User F

TO: Robert J. Pellicci (CN=Robert J. Pellicci/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: Courtney B. Timberlake (CN=Courtney B. Timberlake/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

TO: Susanne D. Lind (CN=Susanne D. Lind/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

TO: Harry E. Moran (CN=Harry E. Moran/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: Robert F. Schoeni (CN=Robert F. Schoeni/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

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

TO: Larry R. Matlack (CN=Larry R. Matlack/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: Robert G. Damus (CN=Robert G. Damus/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

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

READ:UNKNOWN

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

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

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

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

TO: Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Cordelia W. Reimers (CN=Cordelia W. Reimers/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

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

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

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

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

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

LRM Small Business Administration (LRM Small Business Administration [UNKNOWN])
READ:UNKNOWN

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

TEXT:

NOTE TO EOP STAFF: YOU WILL NOT RECEIVE A HARD COPY OF THIS LRM.

LRM ID: MNB37
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Wednesday, March 31, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Janet R. Forsgren (for) Assistant Director for Legislative
Reference

OMB CONTACT: Melissa N. Benton

PHONE: (202)395-7887 FAX: (202)395-6148

SUBJECT: REVISED LABOR Draft Bill on Alien Labor Certification

User Fees

DEADLINE: 1 p.m. Friday, April 2, 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: The deadline is firm.

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Janet R. Forsgren
James J. Jukes

LRM ID: MNB37 SUBJECT: REVISED LABOR Draft Bill on Alien Labor
Certification User Fees
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

DRAFT 3/31/99

SUBTITLE G-- ALIEN LABOR CERTIFICATION USER FEES

SEC. __ ESTABLISHMENT OF FEES.

(a) PERMANENT IMMIGRANT APPLICATION FEES.-- Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A) is amended--

(1) in clause (i), by--

(A) striking “and” at the end of subclause (I),

(B) striking the period at the end of subclause (II) and inserting “, and”,

and

(C) by adding at the end the following:

“(III) the employer has submitted an application for certification of the alien under this paragraph and has paid an application fee in accordance with clause (iv).”; and

(2) by adding at the end the following:

“(iv)(I) The Secretary of Labor shall impose a fee of \$500 on an employer that--

“(aa) submits an application to the Secretary of Labor for certification under this subparagraph on or after October 1, 1999, or

“(bb) requests that the Secretary of Labor review an application

that was submitted to the Secretary of Labor for certification under this subparagraph prior to October 1, 1999, using the same review procedures applicable to applications submitted under sub-subclause (aa).

“(II)(aa) The employer submitting the application under this subparagraph shall not require or accept payment, directly or indirectly, of the fees established pursuant to subclause (I) by the alien who is the beneficiary of the certification.

“(bb) If the Secretary of Labor determines, after notice and opportunity for a hearing , that a violation of sub-subclause (aa) has occurred, the Secretary of Labor may impose a civil penalty in an amount not to exceed \$1,000 per violation and an administrative order requiring the return of any amounts received in violation of sub-subclause (aa) to the alien, or if the alien cannot be located, to the general fund of the Treasury.

“(III) Fees collected under this clause shall be deposited in the Treasury in accordance with section 286(u).”.

(b) H-2B NONIMMIGRANT APPLICATION FEES.-- Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

“(10)(A) Pursuant to the consultation process described in paragraph (1), the Secretary of Labor shall impose a fee of \$500 on employers that submit an application to the Secretary of Labor for certification of a nonimmigrant temporary worker as described in section 101(a)(15)(H)(ii)(b) on or after October 1,1999.

“(B)(i) The employer submitting the application under this subsection shall not require or accept payment of the fee established under subparagraph (A), directly or indirectly, by

the alien who is the beneficiary of the certification.

“(ii) If the Secretary of Labor determines, after notice and opportunity for a hearing, that a violation of clause (i) has occurred, the Secretary of Labor may impose a civil penalty in an amount not to exceed \$1,000 per violation and administrative order requiring the return of any amounts received in violation of clause (i) to the alien, or if the alien cannot be located, to the general fund of the Treasury.

“(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(u).”.

SEC. __. ESTABLISHMENT OF ACCOUNT AND USE OF FUNDS.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

“(u) ALIEN LABOR CERTIFICATION USER FEE ACCOUNT.

“(1) ESTABLISHMENT.-- There is established in the general fund of the Treasury a separate account, which shall be known as the ‘Alien Labor Certification User Fee Account’. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under sections 212(a)(5)(A) and 214(c)(10).

“(2) USE OF FEES.-- The fees deposited into the Alien Labor

Certification User Fee Account shall be used by the Secretary of Labor for the costs of administering alien labor certification activities, including the costs of enforcement, under sections 212(a)(5)(A) and 214(c)(10). In addition, if, in any fiscal year, the Secretary of Labor determines that there are amounts in the account in excess of the amounts necessary to carry out

the certification activities for such year, the Secretary of Labor may use the excess amounts to carry out activities for dislocated workers in accordance section 171(d) of the Workforce Investment Act of 1998.

“(3) AVAILABILITY OF FUNDS.-- The fees deposited into the Alien Labor Certification User Fee account under this subsection shall remain available until expended for the activities described in paragraph (2).”.

DRAFT 3/31/99

STATEMENT IN EXPLANATION OF SUBTITLE G
ALIEN LABOR CERTIFICATION USER FEES

This subtitle would require the Secretary of Labor to impose a fee of \$500 on employers submitting applications for certification of aliens for permanent employment or for H-2B temporary visas (i.e. visas for temporary employment in occupations other than agriculture, logging, or registered nursing). A similar \$500 fee was established for employers submitting petitions for H-1B temporary visas (i.e. visas for employment in "specialty" occupations) last year under the American Competitiveness and Workforce Improvement Act.

For aliens to be eligible for permanent employment or H-2B temporary employment, the Secretary must certify, pursuant to an application submitted by an employer, that there are not sufficient workers available at the place the alien is to be employed and that the employment would not adversely affect the wages or working conditions of similarly employed workers in the U.S. Currently, the administrative costs of the Secretary of Labor in carrying out these labor certification activities are funded from appropriations out of general revenues and employers are not charged a fee for the processing of the application. However, since employers significantly benefit from the admission of these workers, it is appropriate that they assist in paying for these activities.

This subtitle would provide that the Secretary of Labor is to charge a fee of \$500 for applications for permanent immigrants submitted on or after October 1, 1999. In addition, employers who have filed an application prior to that date would be able to receive a review of that application under the same procedures used to review the applications submitted on or after October 1 if they pay a \$500 fee. The Department of Labor is currently developing and will be implementing a new, streamlined adjudicative process for certification of applications for permanent workers, and this provision would offer employers with pending applications the option of using the streamlined process. The Secretary would also be required to charge a \$500 fee for applications for H-2B temporary nonimmigrant labor certifications submitted on or after October 1, 1999.

The fees collected under this authority would be deposited as offsetting receipts into a special account in the U.S. Treasury. These funds would be available to the Secretary to, first, pay the costs of administering the labor certification process, including enforcement activities. Amounts in the account in excess of the amount needed in any fiscal year for administration would be available to the Secretary to carry out projects to assist dislocated workers in accordance with provisions of the Workforce Investment Act of 1998 (WIA). This additional use of funds is appropriate as a means for providing American workers who have lost their jobs with training and other assistance needed to obtain reemployment and for reducing the need for the

admission of additional aliens to fill these jobs.

Specifically, this subtitle contains two sections. The first section provides for the establishment of the fees.

Subsection (a) applies to fees relating to applications for labor certification of permanent immigrants. Paragraph (1) amends section 212(a)(5)(A) of the Immigration and Nationality Act (INA) to provide that submission of the application and payment of the fee is a condition for receiving certification. Paragraph (2) further amends this section of the INA by adding a new clause requiring the Secretary of Labor to impose a fee of \$500 on employers submitting applications for permanent immigrants on or after October 1, 1999, and on employers who submitted such applications prior to that date who request a review by the Secretary of Labor using the same review procedures applicable to the later applications. This clause also prohibits an employer from requiring or accepting payment of the fee by the alien who is the beneficiary of the certification. The Secretary is authorized to impose a civil penalty of up to \$1000 and order return of the payment to the alien if the Secretary determines that an employer has violated this prohibition. In addition, this clause provides that the fees are to be deposited into a special account in the U.S. Treasury.

Subsection (b) applies to H-2B nonimmigrant labor certification application fees. This provision amends section 214(c) of the INA by adding a new paragraph. The paragraph provides that the Secretary of Labor is to impose a fee of \$500 on employers submitting an application for certification of H-2B nonimmigrant temporary employment on or after October 1, 1999. The paragraph also contains the prohibition against employers requiring or accepting payment of the fee from an alien who is a beneficiary of the certification and authorizes the Secretary to impose a civil penalty of up to \$1000 on an employer violating the prohibition. The paragraph further provides that these fees are also to be deposited in the special account in the U.S. Treasury.

The second section of this subtitle relates to the establishment of the special account and the use of account funds. This section amends section 286 of the INA to add a new subsection. This new subsection establishes a special account in the general fund of the U.S. Treasury to be known as the Alien Labor Certification User Fee Account. All fees collected for the labor certification of permanent immigrant and H-2B temporary nonimmigrants are to be deposited as offsetting receipts into the account. This subsection further provides that the funds in the account are to be used by the Secretary of Labor for the costs of administering the labor certifications. In addition, amounts that the Secretary of Labor determines are in excess of the amount needed for administration may be used to carry out activities for dislocated workers in accordance with section 171(d) of the WIA. Finally, this subsection provides that the fees in the account are to remain available until expended for the authorized activities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 19:00:01.00

SUBJECT: President's Tobacco Statement

TO: Lisa Mendelson (CN=Lisa Mendelson/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: FOLEY_M (FOLEY_M @ A1 @ CD @ LNGTWY [UNKNOWN]) (WHO)

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jeanne Lambrew (CN=Jeanne Lambrew/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:

Released embargoed for Thursday 4:00pm (same embargo as CDC study)=====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D77]MAIL49203430Q.136 to ASCII,

The following is a HEX DUMP:

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THE WHITE HOUSE

Office of the Press Secretary

Embargoed until

4:00pm Thursday April 1, 1999

STATEMENT BY THE PRESIDENT

Today, the Centers for Disease Control and Prevention is publishing promising new results from the youth anti-smoking program launched by the late Florida Governor Lawton Chiles. The study shows that in just one year, smoking has declined by 19 percent among middle school students and by 8 percent among high schoolers. These results show why every state should have a comprehensive program to reduce youth smoking and why I oppose any legislation waiving the federal government's claim to tobacco settlement funds without making a commitment from the states to fund such efforts. Without such legislation, states won't have to spend a single penny of the \$246 billion settlement to reduce youth smoking. We must act now: every day, 3000 children become regular smokers and 1000 will have their lives cut short as a result.

###

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 19:40:40.00

SUBJECT: Genie Chough is now on email

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

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

TO: Eugenia Chough (CN=Eugenia Chough/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: Andrea Kane (CN=Andrea Kane/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

TO: Teresa M. Jones (CN=Teresa M. Jones/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

TO: Nicole R. Rabner (CN=Nicole R. Rabner/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: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP @ EOP [UNKNOWN])
READ:UNKNOWN

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

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

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

TEXT:

Look for her under her formal name "Eugenia Chough." Please add her to staff email lists. And for those of you who haven't met her yet -- stop by 217 where she is temporarily sitting at Irene Bueno's desk.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 19:47:34.00

SUBJECT: President's Tobacco Statement

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:

Note that Sylvia backed off on taking out the word "any."
----- Forwarded by Cynthia A. Rice/OPD/EOP on 03/31/99
07:48 PM -----

Cynthia A. Rice
03/31/99 06:58:42 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: President's Tobacco Statement

Released embargoed for Thursday 4:00pm (same embargo as CDC study)

Message Sent

To: _____
Bruce N. Reed/OPD/EOP
Elena Kagan/OPD/EOP
Laura Emmett/WHO/EOP
Christopher C. Jennings/OPD/EOP
Jeanne Lambrew/OPD/EOP
Devorah R. Adler/OPD/EOP
J. Eric Gould/OPD/EOP
Fred DuVal/WHO/EOP
William H. White Jr./WHO/EOP
FOLEY_M @ A1 @ CD @ LNGTWY
Caroline R. Fredrickson/WHO/EOP
Lisa M. Kountoupes/WHO/EOP
Joshua Gotbaum/OMB/EOP
Lisa Mendelson/OMB/EOP
Ingrid M. Schroeder/OMB/EOP

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D26]MAIL42146430V.136 to ASCII,
The following is a HEX DUMP:

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E67A0CDAFD93B6C68E87A7D621853B714D026DA5ED15BC26F852E3A64A509EC1882F0A3B1E26FE
6EEAC4C7AA627EA84FF4BDCF19D00F7D2C1DAD83C306ACF9E9A1FF5339D1FEFE9B2DE0E8AD8ABE
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THE WHITE HOUSE

Office of the Press Secretary

Embargoed until

4:00pm Thursday April 1, 1999

STATEMENT BY THE PRESIDENT

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###