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RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 10:14:10.00

SUBJECT: LRM CJB29 - - EDUCATION Draft Bill on Programs of National Significance: T

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TEXT:

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YOU WILL RECEIVE A REVISED LRM LATER TODAY.

----- Forwarded by Melissa N. Benton/OMB/EOP on 04/02/99
10:12 AM -----

From: Melissa N. Benton on 04/01/99 05:24:29 PM
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To: See the distribution list at the bottom of this message
cc: Constance J. Bowers/OMB/EOP@EOP
Subject: LRM CJB29 - - EDUCATION Draft Bill on Programs of National
Significance: Title X of the Elementary and Secondary Education Act
Reauthorization

LRM ID: CJB29
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, April 1, 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 Programs of National
Significance: Title X of the Elementary and Secondary Education Act
Reauthorization

DEADLINE: 4 p.m. Tuesday, April 6, 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 and sectional analysis 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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LRM ID: CJB29 SUBJECT: EDUCATION Draft Bill on Programs of National
Significance: Title X 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.

DRAFT 4/1/99

TITLE X – PROGRAMS OF NATIONAL SIGNIFICANCE

SECTION-BY-SECTION ANALYSIS

PART A- FUND FOR THE IMPROVEMENT OF EDUCATION

Section 1001 of the bill would amend Part A of Title X of the ESEA, which authorizes funds to support nationally significant programs and projects to improve the quality of elementary and secondary education, to assist students to meet challenging State content standards and challenging State performance standards, and to contribute to the achievement of America's Education Goals.

Section 1001(1). Section 1001(1)(A) of the bill would amend section 10101(a) of the ESEA to stress that the Fund for the Improvement of Education (FIE) is a program focused on improving elementary and secondary education.

Section 1001(1)(B). Section 1001(1)(B) of the bill would amend section 10101(b) of current law by shortening and strengthening the list of authorized uses of funds. Authorized activities would include: (1) research, development, demonstration, evaluation, or other activities designed to improve the quality of elementary and secondary education; (2) activities to promote community participation in the planning, design, and use of new and existing schools; (3) the development, implementation, and evaluation of programs designed to foster student community service, encourage responsible citizenship; and improve academic learning; (4) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools; (5) joint activities with other agencies; (6) programs under section 10102 and section 10103(Character Education); (7) activities to study and implement strategies for creating smaller learning communities; and (8) other programs, including physical education programs, that meet the purposes of this section.

Section 1001(1)(C). Section 1001(1)(C) of the bill would change section 10101(c) of the ESEA to require an applicant for an award under this section to establish clear goals and objectives for its project and describe the activities it will carry out in order to meet these goals and objective. It would also require recipients of funds to report to the Secretary such information as may be required, including evidence of its progress towards meeting the goals and objectives of its project, in order to determine the project's effectiveness. This change would emphasize the Department's desire to ensure that the effectiveness of all funded projects can be fully assessed. This language is also aligned with the performance indicators in the FIE plan under GPRA.

This section would also allow the Secretary to require recipients of awards under this Part to provide matching funds from sources other than Federal funds, and to limit competitions to particular types of entities, such as State or local educational agencies.

Section 1001(1)(D). Section 1001(1)(D) of the bill would amend section 10101(d) of the ESEA to authorize such sums as may be necessary to carry out this Part through fiscal year 2005.

Section 1001(2). Section 1001(2) of the bill would repeal section 10102 of the ESEA.

Section 1001(3). Section 1001(3) of the bill would make substantial changes to section 10103 of the ESEA, relating to Character Education. It would provide for more funding flexibility by removing the limit of 10 grants per year and \$1 million limitations on SEAs under current law, and authorize the Secretary to make up to 5-year grants to SEAs, LEAs, or consortia of educational agencies for the design and implementation of character education programs. These programs would be required to be linked to the applicant's overall reform efforts, performance standards, and activities to improve school climate. Allowing LEAs and consortia of educational agencies to apply would increase flexibility to fund innovative programs in school districts where the State is not interested in making an application.

Section 1001(3) of the bill would also streamline the application requirements under current law. The application would include: (1) a description of any partnership and other collaborative effort between the applicant and other educational agencies; (2) a description of the program's goals and objectives; (3) a description of activities to be carried out by the applicant; (4) a description of how the programs will be linked to broader educational reforms being instituted by the applicant, State and local standards for student performance, and activities that are being carried out to improve school climate; (5) a description of how the applicant will evaluate its progress in meeting its goals and objectives; and (6) any other information the Secretary would require.

Paragraph (3) would further require each recipient of a grant to submit a comprehensive evaluation on the effectiveness of its program in achieving its goals and objectives, including the impact of the program on students, teachers, administrators, and parents, to the Secretary, by the mid-point of the program, and no later than one year after completion of the program.

Finally, section 1001(3) of the bill would require the Secretary to make awards under this section that serve different areas of the Nation, including urban, suburban, and rural areas.

Section 1001(4). Section 1001(4) of the bill would redesignate section 10103 of the ESEA, as amended by section 1001(3), as section 10102, and add a proposed new section 10103.

Specifically, proposed new section 10103 would authorize a new program, under which the Secretary could make awards to SEAs, LEAs, IHEs, tribal organizations, and other public or private agencies to carry out research, development, dissemination,

technical assistance, and evaluation activities that support character education programs under new section 10102 of the ESEA.

The proposed new section 10103(b) of the bill would authorize funds under this section to be used to: (1) conduct research and development activities; (2) provide technical assistance to the agencies receiving awards under the program, particularly on matters of program evaluation; (3) conduct a national evaluation of the character education program; (4) compile and disseminate information on model character education programs, character education materials and curricula, and research findings in the area of character education; and (5) any other information that would be useful to character education program participants, and to other educators and administrators, nationwide.

Section 1001(5). Section 1001(5) of the bill would repeal sections 10104, 10105, 10106, and 10107 of the current law.

PART B-GIFTED AND TALENTED CHILDREN

Section 1002 of the bill would reauthorize and make minor improvements to Part B of title X of the ESEA, which provides financial assistance to State and local educational agencies, institutions of higher education, and other public and private agencies to build a nationwide capability in elementary and secondary schools to meet the special educational needs of gifted and talented students.

Section 1002(1). Section 1002(1) would make a technical change to the program's short title.

Section 1002(2). Section 1002(2) of the bill would amend section 10204(c) of current law to require the National Center for Research and Development in the Education of Gifted and Talented Children to focus the dissemination of the results of its activities to schools with high percentages of economically disadvantaged students. This modification would help to overcome the Centers current lack of targeting on low-income schools and school districts.

Section 1002(3). Section 1002(3) of the bill would add a new provision that would authorize the Secretary to evaluate the effectiveness of the programs under this Part.

Section 1002(4). Section 1002(4) of the bill would amend section 10207 of the ESEA to authorize such sums as may be necessary to carry out this Part through fiscal year 2005.

PART D – ARTS IN EDUCATION

Section 1003 of the bill would reauthorize and streamline Part D of title X of the ESEA, which provides financial assistance to support education reform by strengthening arts education as an integral part of the elementary and secondary school curriculum.

Section 1003(1). Section 1003(1) of the bill would strike out the heading of subpart 1 of current law.

Section 1003(2)(A). Section 1003(2)(A) of the bill would amend section 10401(d) of the ESEA by adding a new authorized activity, model arts and cultural programs in the arts for at-risk children and youth, particularly programs that use arts and culture to promote students' academic progress, to the list of authorized activities of the Arts in Education program.

Section 1003(2)(B). Section 1003(2)(B) of the bill would amend section 10401(f) of the ESEA to authorize such sums as may be necessary to carry out this Part through fiscal year 2005.

Section 1003(3). Section 1003(3) of the bill would repeal subpart 2 of current law. This subpart has never been funded and the addition of the authorized activity in section 10401(d) of the ESEA, noted above, would provide a more flexible authorization for projects serving at-risk children and youth.

PART E –INEXPENSIVE BOOK DISTRIBUTION PROGRAM

Section 1004 of the bill would reauthorize without change Part E of title X of the ESEA, which supports Reading is Fundamental, which distributes inexpensive books to students to motivate them to read.

PART F – CIVIC EDUCATION

Section 1005 of the bill would reauthorize and streamline Part F of title X of the ESEA, which authorizes a program to educate students about the history and principles of the Constitution of the United States, including the Bill of Rights, and to foster civic competence and responsibility.

Section 1005(1). Section 1005(1) of the bill would repeal section 10602 of current law. This program, Instruction in Civics, Government, and the Law, was defunded several years ago.

Section 1005(2). Section 1005(2) of the bill would amend section 10603 of the ESEA to authorize such sums as may be necessary to carry out this Part through fiscal year 2005.

Section 1005(3). Section 1005(3) of the bill would make conforming amendments to the Part.

PART G –ALLEN J. ELLENDER FELLOWSHIP PROGRAM

Section 1006. Section 1006 of the bill would repeal Part G of title X of the ESEA.

PART I – 21st CENTURY COMMUNITY LEARNING CENTERS

Section 1007 of the bill would reauthorize and improve Part I of title X of the ESEA, which authorizes grants to rural and inner-city public schools to plan, implement, or expand projects that benefit the educational, health, social service, cultural, and recreational needs of a rural or inner-city community.

Section 1007(1)(A). Section 1007(1)(A) of the bill would amend section 10903(a) of the ESEA by adding language to current law to clarify that the Secretary may award grants to local educational agencies and community based organizations (CBOs) (with up to 10% of the funds appropriated to carry out this part for any fiscal year) on behalf of public elementary or secondary schools in inner-cities, rural areas, and small cities. In both cases, awards would be limited to schools or CBOs that serve communities with a substantial need for expanded learning opportunities due to their high proportion of low-achieving students and lack of resources to establish or expand community learning centers.

Section 1007(1)(B). Section 1007(1)(B) of the bill would retain the provision in section 10903(b) of current law requiring equitable distribution among urban and rural areas of the United States, but would delete the provision requiring equitable distribution among States and urban and rural areas of a State.

Section 1007(1)(C). Section 1007(1)(C) of the bill would amend section 10903(c) of the ESEA to change the duration of grants awarded under this Part from 3-years to 5-years.

Section 1007(2). Section 1007(2)(A) of the bill would amend section 10904 of the ESEA to change the eligible applicant for a grant under this Part from a school to a local educational agency (which would apply on behalf of schools) or a community-based organization.

Paragraph (2)(A) would also add new language to current law to require the applicant to provide information that it will provide at least 50 percent of the annual cost

of project activities from non-Federal sources (which may be provided in cash or in kind), and in the fourth and fifth years of its project, to increase the percentage of the project's cost that is paid for by funds other than those received under this Part. The applicant would also be required to provide an assurance that in each year of the project, it will expend, from non-Federal sources, at least as much for the services as it expended for the preceding year. This addition to current law would allow the program to leverage greater amounts of funding, by requiring a 100 percent match in the first three years and an increasing match over the following two years, and would ensure that grantees do not use Federal funds to replace funds from other non-Federal sources.

Paragraph (2)(B) would amend section 10904(b) of the ESEA to require the Secretary to give priority, in all competitions, to applications that offer a broad selection of services that address the needs of the community, that offer significant expanded learning opportunities for children and youth in the community, and that contribute to reducing drug use and violence.

Paragraph (2)(C) would add new language to section 10904 of the current law to require an application submitted by a CBO to contain evidence that affected LEAs concur with the project. It would also allow the Secretary to waive the requirement of 10904(b)(4)(A) and permit an applicant to satisfy not more than 50 percent of the required match with other Federal funds awarded by the Secretary.

Section 1007(3). Section 1007(3) of the bill would amend section 10905 of the ESEA to require that applicants provide expanded learning opportunities and eliminate the requirement that applicants include at least four of the activities listed in this section. Instead, applicants must provide educational activities and may provide a range of other services to the community.

Section 1007(4). Section 1007(4) of the bill would amend section 10906 of the ESEA to clarify the definition of "community learning center" as an entity that provides expanded learning opportunities, and may also provide services that address health, social service, cultural, and recreational needs of the community.

Section 1007(5). Section 1007(5) of the bill would amend section 10907 of the ESEA to authorize such sums as may be necessary to carry out this Part through fiscal year 2005.

Section 1007(6). Section 1007(6) of the bill would add a proposed new section 10908 to the ESEA that allows the Secretary to use funds appropriated under this Part to make continuation awards for projects that were funded with fiscal year 1998 and 1999 funds, under the terms and conditions that applied to the original awards. This provision has the effect of allowing the Department to provide continuous funding for the last year of 3-year grants made in fiscal year 1998 under the provisions of current law.

Section 1007(7). Section 1007(7) of the bill would redesignate Part I as Part G and make appropriate section number changes.

PART J - URBAN AND RURAL EDUCATION ASSISTANCE

Section 1008. Section 1008 of the bill would repeal Part J of the ESEA.

PART K – NATIONAL WRITING PROJECT

Section 1009. Section 1009 of the bill would reauthorize and improve Part K of title X of the ESEA, which authorizes a grant to the National Writing Project for the improvement of the quality of student writing and learning, and the teaching of writing as a learning process.

Section 1009(1). Section 1009(1) of the bill would amend section 10991 of the ESEA to update the findings.

Section 1009(2). Section 1009(2) of the bill would amend section 10992 of the ESEA to authorize the Secretary to conduct an independent evaluation of the program administered pursuant to this part. It would also authorize such sums as may be necessary to carry out this part for fiscal years 2001 through 2005.

Section 1009(3). Section 1009(3) of the bill would redesignate Part K as Part H.

INTERNATIONAL EDUCATION EXCHANGE

Section 1010 of the bill would reauthorize and make a minor change to the International Education Program found in title VI of Goals 2000: Educate America Act.

Section 1010(1). Section 1010(1) of the bill would amend section 601 of Goals 2000, by adding the Republic of Ireland and Northern Ireland to the definition of “eligible country”, as well as any other emerging democracy in a developing country.

Section 1010(2). Section 1010(2) of the bill would authorize such sums as may be necessary to carry out this part for fiscal year 2001 through 2005.

Section 1010(3). Section 1010(3) of the bill would redesignate the International Education Exchange Program as Part C of title X of the ESEA.

DRAFT 4/1/99

TITLE X – PROGRAMS OF NATIONAL SIGNIFICANCE

PART A – FUND FOR THE IMPROVEMENT OF EDUCATION

SEC.1001. Part A of title X of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 10101—

(A) by amending subsection (a) by inserting “elementary and secondary” immediately after “improve the quality of”;

(B) by amending subsection (b) to read as follows:

“(b) USE OF FUNDS.—Funds under this section may be used for—

“(1) research, development, demonstration, evaluation, or other activities that are designed to—

“(A) improve the quality of elementary and secondary education;

“(B) assist all students to meet challenging State standards; and

“(C) contribute to the achievement of America’s Education goals;

“(2) activities to promote community participation in the planning, design, and use of new and existing schools, including the development of a school system master plan or an individual school site space and design plan, to—

“(A) make effective use of all available resources; and

“(B) meet the needs of all students, as well as the needs of the larger community;

“(3) the development, implementation, and evaluation of programs that are designed to foster student community service, encourage responsible citizenship and improve academic learning, and give students the opportunity to apply what they learn in the classroom to meet actual community needs;

“(4) the identification and recognition of exemplary schools and programs, such as Blue Ribbon Schools;

“(5) joint activities with other agencies;

“(6) programs under section 10102 and section 10103;

“(7) activities to study and implement strategies for creating smaller learning communities; and

“(8) other programs and projects, including programs and projects in the area of physical education, that meet the purposes of this section.”;

(C) by amending subsection (c) to read as follows:

“(c) AWARDS.—(1) The Secretary may—

“(A) make awards under this section on the basis of competitions announced by the Secretary; and

“(B) support meritorious unsolicited proposals.

“(2) An applicant for an award under this section, shall—

“(A) establish clear goals and objectives for its project under this part; and

“(B) describe the activities it will carry out in order to meet the goals and objectives of its project.

“(3) A recipient of an award under this section shall evaluate the effectiveness of its project’s activities in achieving the goals and objectives stated in its application.

“(4) A recipient of funds under this section shall report to the Secretary such information as may be required, including evidence of its progress towards meeting the goals and objectives of its project, in order to determine the effectiveness of its project under this section.

“(5) The Secretary may—

“(A) require recipients of funds under this section to provide matching funds from non-Federal sources; and

“(B) limit competitions to particular types of entities, such as State or local educational agencies.

“(6) The Secretary shall use a peer review process in reviewing applications for assistance under this section and may use funds appropriated under subsection (d) for the cost of such peer review.”; and

(D) by amending subsection (d) to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS.— For the purposes of carrying out this section, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.”;

(2) by repealing section 10102;

(3) by amending section 10103 to read as follows:

“State and Local Character Education Program

“SEC. 10103 (a) PROGRAM AUTHORIZED.—(1) The Secretary may make grants to State educational agencies, local educational agencies, or consortia of such educational agencies for the design and implementation of character education programs.

“(2) Each grant under this section shall be awarded for a period not to exceed five years, of which the recipient shall use not more than one year for planning and program design.

“(b) APPLICATIONS.—(1) Each applicant desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

“(2) Each application under this section shall include—

“(A) a description of any partnerships and other collaborative efforts between the applicant and other educational agencies;

“(B) a description of the program’s goals and objectives;

“(C) a description of the activities the applicant will carry out, and how these activities are designed to meet the program’s goals and objectives under subparagraph (B), including—

“(i) how parents, students, and other members of the community, including members of private and nonprofit organizations, will be involved in the design and implementation of the program;

“(ii) the curriculum and instructional practices that will be used or developed; and

“(iii) the methods of teacher training and parent education that will be used or developed;

“(D) a description of how the program will be linked to other efforts to improve educational outcomes, including—

“(i) broader educational reforms that are being instituted by the applicant or its partners;

“(ii) applicable State, and local standards for student performance; and

“(iii) any activities that the applicant is carrying out to improve the school learning environment;

“(E) a description of how the applicant will evaluate the progress of its program in meeting the goals and objectives under subparagraph (B), including the performance indicators that will be used to measure progress; and

“(F) any other information the Secretary may require.

“(c) EVALUATION AND PROGRAM DEVELOPMENT.—(1) Each applicant receiving a grant under this section shall submit to the Secretary a comprehensive evaluation of the effects of the programs assisted under this part, including its impact on students, teachers, administrators, parents and others—

“(A) at the mid-point of the program; and

“(B) not later than one year after completion of the program.

“(2) Evaluations under this subsection shall focus on the effectiveness of the program in achieving its goals and objectives.

“(d) DIVERSITY OF PROJECTS.— The Secretary shall make awards under this section that, to the extent practicable, support programs that serve different geographic areas of the Nation, including urban, suburban, and rural areas.”;

(4) by redesignating section 10103, as amended by paragraph (3), as section 10102 and adding a new section 10103 to read as follows:

“Character Education Research, Dissemination, and Evaluation

“SEC. 10103. (a) PROGRAM AUTHORIZED.— The Secretary is authorized to make grants, or enter into contracts or cooperative agreements with, State educational agencies, local educational agencies, institutions of higher education, tribal organizations, and other public or private agencies or organizations to carry out research, development, dissemination, technical assistance, and evaluation activities that support or inform character education programs under section 10102.

“(b) USE OF FUNDS.— Consistent with subsection (a), funds under this section may be used—

“(1) to conduct research and development activities that focus on such matters as—

“(A) the effectiveness of instructional models;

“(B) materials and curricula that can be used by programs in character education;

“(C) models of professional development; and

“(D) the development of outcome measures for character education programs; and

“(E) the effects of school learning environments on student outcomes;

“(2) to provide technical assistance to the agencies receiving awards under section 10102, particularly on matters of program evaluation;

“(3) to conduct a national evaluation of programs under section 10102;

and

“(4) to compile and disseminate, through various approaches, such as a national clearinghouse—

“(A) information on model character education programs;

“(B) character education materials and curricula;

“(C) research findings in the area of character education and character development; and

“(D) any other information that will be useful to character education program participants and other educators and administrators, nationwide.”;

(5) by repealing section 10104, section 10105, section 10106, and section 10107.

PART B– GIFTED AND TALENTED CHILDREN

SEC.1002. Part B of title X of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 10201, by striking out “of 1994”;

(2) in section 10204(c), by adding at the end thereof a new paragraph (3) to read as follows:

“(3) DISSEMINATION. The National Center shall focus the dissemination of the results of its activities under subsection (b)(7) to schools with high percentages of economically disadvantaged students.”;

(3) by amending section 10206(b) to read as follows:

“(b) REVIEW AND DISSEMINATION.— The Secretary—

“(1) shall use a peer review process in reviewing applications under this part;

“(2) shall ensure that the information on the activities and results of programs and projects funded under this part is disseminated to appropriate State and local agencies and other appropriate organizations, including private nonprofit organizations; and

“(3) may evaluate the effectiveness of programs under this part in accordance with section 14701 [will change] of this Act.”; and

(4) by amending section 10207 to read as follows:

“SEC. 10207. AUTHORIZATION OF APPROPRIATIONS. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.”.

PART D – ARTS IN EDUCATION

SEC.1003. Part D of title X of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking out the heading of subpart 1;

(2) in section 10401—

(A) in subsection (d)—

(i) by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively; and

(ii) by inserting immediately after paragraph (8) the following new paragraph:

“(9) supporting model arts and cultural programs for at risk children and youth, particularly programs that use arts and culture to promote students’ academic progress;” and

(B) by amending subsection (f) to read as follows:

“(f) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.”; and

(3) by repealing subpart 2.

PART E – INEXPENSIVE BOOK DISTRIBUTION PROGRAM

SEC. 1004. Part E of title X of the Elementary and Secondary Education Act of 1965 is amended in section 10501(e) by striking out “\$10,300,000 for fiscal year 1995 and such sums as may be necessary” and inserting in lieu thereof “such sums as may be necessary for fiscal year 2001 and”.

PART F— CIVIC EDUCATION

SEC.1005. Part F of title X of the Elementary and Secondary Education Act of 1965 is amended—

(1) by repealing section 10602;

(2) by amending section 10603 to read as follows:

“SEC. 10603. AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.”; and

(3) by redesignating section 10603, as amended by paragraph (2), as section 10602.

PART G –ALLEN J. ELLENDER FELLOWSHIP PROGRAM

SEC.1006. Part G of title X of the Elementary and Secondary Education Act of 1965 is repealed.

PART I – 21ST CENTURY COMMUNITY LEARNING CENTERS

SEC. 1007. Part I of title X of the Elementary and Secondary Education Act of 1965 is amended--

(1) in section 10903--

(A) by amending subsection (a) to read as follows:

“(a) GRANTS BY THE SECRETARY.— (1) The Secretary is authorized, in accordance with paragraph (2), to award grants to community-based organizations and local educational agencies, on behalf of public elementary or secondary schools in inner-cities, small cities, and rural areas, that serve communities with a substantial need for expanded learning opportunities because they have a high proportion of low-achieving students and lack resources to establish or expand after-school centers that benefit the educational, health, social service, cultural, and recreational needs of the community.

“(2) The Secretary may reserve up to 10 percent of the funds appropriated to carry out this part for any fiscal year to make grants to community-based organizations to carry out projects, consistent with the purposes of this part.”;

(B) by amending subsection (b) to read as follows:

“(b) EQUITABLE DISTRIBUTION.— In awarding grants under this part, the Secretary shall ensure an equitable distribution of assistance among the States and among urban and rural areas of the United States.”; and

(C) in subsection (c), by striking out “3 years” and inserting in lieu thereof “5 years”;

(2) in section 10904—

(A) in subsection (a)--

(i) in the matter preceding paragraph (1), by striking out “an elementary or secondary school or consortium” and inserting in lieu thereof “a local educational agency, on behalf of one or more elementary or secondary schools, or a community-based organization”;

(ii) in paragraph (1), by striking out “the school or consortium” and inserting in lieu thereof “the applicant”;

(iii) in paragraph (2), by striking out “and” at the end thereof;

(iv) in paragraph (3)—

(I) in subparagraph (C), --

(aa) by inserting “schools,” immediately after “undertaken by”; and

(bb) by inserting a comma and “in order to promote community involvement in the planning and implementation of services provided under this part” immediately after “appropriate organizations”;

(II) in subparagraph (D), by striking out “the school or consortium” and inserting in lieu thereof “the applicant”; and

(III) in subparagraph (E), by—

(aa) striking out “the school or consortium” and inserting in lieu thereof “the applicant”; and

(bb) striking out the period at the end thereof and inserting in lieu thereof a semi-colon; and

(v) by adding, at the end thereof, the following new paragraphs (4) and (5):

“(4) information demonstrating that the applicant will--

“(A) provide at least 50 percent of the annual cost of project activities from non-Federal sources, which may be provided in cash or in kind, fairly evaluated; and

“(B) in the fourth and fifth years of its project, increase the percentage of the project’s cost that is paid for by funds other than those received under this part; and

“(5) an assurance that the applicant will, in each year of the project, expend, from non-Federal sources, at least as much for the services under this part as it expended for the preceding year.”;

(B) by amending section 10904(b) to read as follows:

“(b) PRIORITY.—The Secretary shall give priority to applications that describe projects that –

“(1) offer a broad selection of services that address the needs of the community;

“(2) offer significant, expanded learning opportunities for children and youth in the community; and

“(3) contribute to reduced drug use and violence.”; and

(C) by further amending section 10904 by adding at the end thereof a new subsection (c), to read as follows:

“(c) SPECIAL RULES.— (1) An application submitted by a community-based organization shall contain evidence that affected local educational agencies concur with the proposed project.

“(2) The Secretary may waive the requirement of subsection (b)(4)(A) and permit an applicant to satisfy not more than 50 percent of the match required by that provision with other Federal funds awarded by the Secretary, if the applicant demonstrates in its application that it cannot comply with subsection (b)(4)(A).”;

(3) in section 10905, by striking out “may be used to plan, implement, or expand community learning centers which include not less than four” and inserting in lieu thereof “shall be used to establish or expand community learning centers that provide activities that offer significant expanded learning opportunities, such as before and after school, for children and youth in the community, and that may also include any”;

(4) in section 10906, by amending paragraph (1) to read as follows:

“(1) provides expanded learning opportunities, and may also provide services that address health, social service, cultural, and recreational needs of the community; and”;

(5) by amending section 10907 to read as follows:

“SEC. 10907. AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.”; and

(6) by adding at the end thereof the following new section 10908:

“SEC. 10908. CONTINUATION AWARDS. The Secretary may use funds under this part to make continuation awards for projects that were funded with fiscal year 1998 and 1999 funds, under the terms and conditions that applied to the original awards for those projects.”.

(7) by redesignating –

(A) part I as part G; and

(B) sections 10901 through 10908, as amended by this section, as sections 10701 through 10708, respectively.

PART J – URBAN AND RURAL EDUCATION ASSISTANCE

SEC.1008. Part J of title X of the Elementary and Secondary Education Act of 1965 is repealed.

PART K – NATIONAL WRITING PROJECT

SEC.1009. Part K of title X of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 10991—

(A) in paragraph 15 —

(i) by striking “154 regional sites” and inserting in lieu

thereof “157 regional sites”; and

(ii) by striking “45 States” and inserting in lieu thereof “46 States”;

(B) in paragraph (18) by striking out “; and” and inserting in lieu thereof a period; and

(C) by striking out section 10991(19);

(2) in section 10992--

(A) by amending subsection (g) to read as follows:

“(g) EVALUATION. The Secretary may conduct an independent evaluation, by grant or contract, of the program administered pursuant to this part.”; and

(B) by amending subsection (i) to read as follows:

“(i) AUTHORIZATION OF APPROPRIATIONS. For the purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.”; and

(3) by redesignating –

(A) part K, as amended by this section, as part H; and

(B) section 10991 and section 10992 as section 10801 and section 10802, respectively.

INTERNATIONAL EDUCATION PROGRAM

SEC.1010. Title VI of Goals 2000: Educate America Act is amended—

(1) in section 601(c)(6) to read as follows:

“(6) DEFINITIONS.—For the purposes of this subsection the term “eligible country” means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Republic of Ireland and Northern Ireland, the Commonwealth of Independent States, any country that formerly was a republic of the Soviet Union whose political independence is recognized by the United States, and any other emerging democracy in a developing country. For the purpose of this definition, the term ‘developing country’ shall have the same meaning given it in the Education of the Deaf Act.”;

(2) by amending section 601(d) to read as follows:

“(d) AUTHORIZATION OF APPROPRIATIONS. For the purposes of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.”and

(3) by redesignating it as part C of title X of the Elementary and Secondary Education Act of 1965, and redesignating section 601 as section 10301.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 10:30:35.00

SUBJECT: Weekly Report 4/2

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

TEXT:

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D9]MAIL48252250P.136 to ASCII,
The following is a HEX DUMP:

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March 27, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

SUBJECT: DPC Weekly Report

Health Care -- Democratic Patients' Bill of Rights Event in Philadelphia: Next Friday, you are scheduled to participate in a multi-state, multi-state Congressional Democratic event in Philadelphia to receive an Internet-based petition calling for the Congress to pass a strong enforceable patients' bill of rights. In addition to announcing this petition, which will already have thousands of participants and is intended to attract over one million, you can announce the OPM "call letter" that will require all participating FEHBP insurers to come into full compliance with the patients' bill of rights. Among other provisions this action will ensure that every FEHBP plan will have new continuity of care protections. This event, long requested by the Democrats, provides you with another opportunity to call on the Congress to pass a strong patients' bill of rights and to contrast it with the weak proposal which was passed out of the Senate Labor Committee shortly before the recess.

Health Care -- Response to your request for information on the Medicare annual cap on patient services: The \$1500 cap on Medicare outpatient physical therapy and other rehabilitative services was included as part of the Balanced Budget Act of 1997. We opposed this because of our concern about the potential adverse impact on chronically ill beneficiaries. However, Congressman Thomas insisted that it be included in the final package. Providers and advocates are now arguing that this cap is problematic and a recent study shows that almost 13 percent of Medicare beneficiaries exceed the cap each year and are left with significant out-of-pocket expenditures. Senator Grassley has proposed legislation to allow Medicare beneficiaries to receive services above the cap if they have an illness that will clearly require additional services. However, this proposal may prove to be quite costly. We are requesting that it be scored and are reviewing alternatives.

Health Care -- Nationwide Medicare Toll-Free Line: On Thursday, HHS went nationwide on their new toll-free telephone line, 1-800 MEDICARE, designed to respond to the numerous questions that beneficiaries have about their new options. Callers 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 or other

complex questions about health care. The new toll-free line is part of the National Medicare Education Program passed in the Balanced Budget Act, a comprehensive effort to help Medicare beneficiaries better understand the new health care options that are part of Medicare+Choice.

Tobacco -- Next Steps on Medicaid Recoupment: We met this week with our major public health allies to discuss ways to build support for our proposal to ensure a portion of the tobacco settlement funds goes to prevent youth smoking. We plan to step up efforts to generate regional press about the effectiveness of such programs and focus a spotlight on how little of the tobacco settlement funds states are planning to spend on these efforts in the absence of federal legislation requiring them to do so. As part of this effort, on Thursday we drew attention to the CDC publication of the Florida study we described to you last week, issuing a statement from you which ran in AP stories and The New York Times. We are now examining more closely information about how states plan to spend tobacco settlement funds to see which proposals we may want to highlight. For example, a proposal introduced in the Oklahoma legislature would use the money to eliminate highway tolls, while Louisiana's governor proposed paying off state debt and funding gene therapy research. Rhode Island's governor proposed using the first installment of \$63 million to balance the state's budget rather than to combat smoking and improve public health, prompting a heated debate in the state legislature. Moreover, many states planning to spend the tobacco funds on public health or tobacco use prevention are only supplanting current spending, thus freeing up unrestricted funds for other uses.

Tobacco -- Oregon Verdict: This week, a jury in Oregon ordered Philip Morris to pay \$79.5 million in punitive damages to the family of a man who died of lung cancer after smoking for 40 years. The jury award of \$81 million is the largest liability verdict ever against the tobacco industry and follows the \$51.5 million verdict against the company earlier this year in a California case. Shares of tobacco companies fell sharply after the news of the Oregon verdict and continued to fall throughout the week.

Political Reform--Campaign Finance Reform: There have been some positive signs, albeit small, that some of the key opponents of campaign finance reform maybe willing to entertain some possible compromises. Specifically, Mitch McConnell indicated recently that a soft-money-hard-money trade-off is "worth discussing." Other Republicans have signaled at least a willingness to consider alternatives. Norm Ornstein believes there maybe a small window of opportunity to resurrect campaign finance reform if Democrats and Republicans can reach agreement on raising the \$1,000 contribution limit and indexing it for inflation. Ornstein has proposed a five-point plan that would 1) raise the contribution limit to \$3,000 and index it for inflation; 2) end soft money and increase limits on hard-money contributions to parties; 3) bring greater disclosure to issue advocacy as proposed in the Senators Snowe and Jeffords amendment which was passed in the Senate last year; 4) bring small donors back to politics by providing a tax credit for contributions of \$100 or \$200 (the credit was repealed in 1986). In addition, candidates who raise over a threshold of amount of small contributions --

like \$25,000 in \$100 contributions or less -- would become eligible for a voucher program for broadcast time, half to be paid for by the broadcasters and half by the Federal government. Under the Ornstein proposal, for every \$1,000 in small contributions raised, a candidate would receive a \$500 broadcast voucher. Ornstein is planning to discuss this proposal with the authors of last year's bipartisan finance reform bill, Senators McCain and Feingold and Representatives Shays and Meehan. We will be having discussions with Ornstein as well and will keep you apprised.

Education -- ED-Flex Legislation: During the recess, Congressional staff are meeting to attempt to agreement on the provisions of a final bill. Staff from DPC, Leg Affairs and Education met with House Democratic staff that are seeking our support for a number of accountability provisions. We will continue to support the accountability measures that we supported during debate: i.e. provisions that prohibit waivers of the rank-order targeting provisions of Title I, but we will not take a position in conference on those that we did not address during debate. We have received indications that the Republican House staff are in the main prepared for each of the accountability provisions to accept the stronger of the House or Senate versions. We also understand that House Republican staff will not take a position on the class size provision that we strongly oppose (allowing class size funds to be spent on special education). OMB is circulating a letter from Secretary Riley to the conferees expressing support for the strongest possible accountability provisions and conveying his recommendation that you disapprove the bill if the class size provision remains in the final bill.

Education -- ESEA Social Promotions/LEP: We are continuing to outreach to various constituency groups (Hispanic education groups, civil rights organizations, NEA, AFT,) on the ESEA reauthorization and the no-social promotions policy. We are working with OMB and Education on the applicability of the no-social-promotions policy for LEP students. Our objective is to craft a policy that will hold schools accountable for the goal of teaching students English in three years but will not result in holding students back who can demonstrate academic competence in reading, math and other subject but are not yet proficient in English. These students should be promoted and continue to receive the necessary services to bring their English skills up to a proficient level. We are moderately optimistic that this social promotions policy for LEP students is one that the Hispanic education community can support.

Welfare -- Child Support: Upon a review of HHS's policy on prior approval of computer contracts, the agency discovered that conflicting policies existed within the Administration and they are now diligently working to rectify those inconsistencies. HHS's Administration for Children and Families (ACF) requires contracts for child support enforcement and child welfare computer systems to receive prior federal approval in order to receive federal reimbursement. States such as California, Hawaii, Kansas, Nevada, and Pennsylvania have been denied federal match under this policy, and Arkansas and others are under review. In comparison, HCFA provides for exceptions to this rule if the Medicaid

computer contract would have been approved if the request had been made in advance and that the state institutes controls to ensure that prior approval requirements are made in the future. USDA also allows retroactive prior approval in certain limited circumstances and requires the request be made by the head of the state agency. HHS is currently conducting a thorough legal and budgetary review, but is likely to soon redefine an agency-wide policy that will be similar to HCFA's.

Welfare -- GW Study on Diversion Policies: As you know, many states are experimenting with a variety of strategies to divert families from cash assistance. Next week, George Washington University will issue the second of its reports funded by HHS which provides an inventory of state approaches and examines practices in five cities (Atlanta, Annapolis, Kansas City, Missoula, and Cincinnati). The study finds that the most common form of diversion requires applicants for welfare to participate in job search before they can receive cash assistance. While nearly half the states also offer short-term diversion payments to help families meet short-term financial needs in lieu of going on welfare, these are so far being used on a very limited basis. The study notes that diversion has the potential to reduce initial access to Medicaid, especially as families by-pass welfare entirely or go to work so quickly that they may not qualify for Medicaid under most states' current eligibility criteria. The study highlights the importance of our Medicaid outreach efforts and our initiatives to encourage states to take advantage of the flexibility they have under current law to expand Medicaid eligibility for low-income working families. As you know last month HHS issued at our request new guidance which makes clear to states that individuals eligible for Medicaid must be enrolled as soon as they seek assistance, whether or not they are eligible for TANF. HHS also plans to award research funds to several states or large counties to track what happens to families who are diverted from the caseload, including the extent to which they continue to participate in Medicaid and other programs to support working families.

Workforce Investment Act Rule: In early April, the Department of Labor will publish an interim final rule to implement the Workforce Investment Act (WIA) you signed last August to reform the nation's job training system. The rule provides guidance to states and communities to help implement key provisions of the law including the development of a network of comprehensive One-Stop Career Centers that provide a single point of entry to a wide range of employment services for job seekers and employers. When the program is fully implemented, DOL expects that there will be at least 2,500 such One-Stop centers. Currently there are about 1,000 state and local variations of one-stops, but none of them are as comprehensive as what is envisioned under WIA. The rule will also implement Individual Training Accounts to provide individuals with access to quality job training of their choice. Consistent with the goal of consolidating and streamlining job training programs, the new regulation is approximately half the length of the old rule it replaces. DOL has coordinated with other federal agencies in developing this rule, and has consulted broadly with state and local government, key Congressional committees, and other stakeholders. While states have until July 2000 to fully implement the Act, a handful of states are expected to file their state plans shortly. We will work with DOL to identify any potential announcements.

Welfare -- Food Assistance: You asked what we could do to ensure that families obtain food assistance, in light of reports that more working families are seeking help from private food banks. We are working to address these issues on two fronts: first to ensure states follow the food stamp law and provide assistance to all eligible individuals who seek assistance; and second, to develop and implement new initiatives to make the food stamp program more accessible to working families.

We have taken numerous steps in recent months to ensure states follow the food stamp law. USDA has launched investigations of state and local practices, including an inquiry in New York City which found local welfare offices were not allowing individuals to apply for food stamps on their first visit to the office. (USDA has issued a formal warning and will impose penalties if these practices are not changed. Meanwhile, a U.S. District Court judge has issued an injunction and has required the city to provide a corrective action plan, which remains sealed.) At the same time, USDA issued formal guidelines to every state reminding them of their obligations to ensure that applicants are aware of their right to file an application for food stamps, process applications in a timely manner, and continue food stamp benefits when TANF benefits are denied or terminated.

In addition to these enforcement actions, we are working with USDA and others to develop and implement efforts to make food stamps more available to eligible families. Historically, individuals with earned income who are eligible for food stamps have been about half as likely to obtain them as individuals receiving cash assistance. There are several possible reasons for this. First, individuals with earnings are eligible for far less in food stamps and they may decide the amount is not worth it. For example, the monthly food stamp allotment for a family of three with a \$300 weekly income and \$500 monthly rent is \$40. When the same family reaches weekly earnings of \$342, the household is no longer eligible. Second, families need to follow somewhat cumbersome procedures to report their earnings to the food stamp office and it is often difficult for working families to get to this office during open hours.

We are currently working with USDA and OMB to devise administrative proposals to help address these and other potential barriers and we will provide you with an analysis of our options soon. While some of the options under consideration can be implemented through regulation, they may cost several hundred million dollars. In order to ensure we maintain our commitment to saving the surplus, we must enact other regulations saving a comparable amount -- a requirement OMB imposes on an agency-by-agency basis (e.g., USDA savings must pay for new USDA costs). These regulatory offsets could be difficult to obtain.

In addition to possible administrative actions, we will be working to enact the proposals in this year's budget to increase funds for food stamp outreach (the budget contains \$3.5 million to provide a 50 percent federal match for activities including media campaigns and distributing informational materials at various community locations such as shelters, senior centers, and churches) and to provide \$60 million for eligibility for an additional

15,000 legal immigrants who become elderly after their pre-1996 arrival. (The Agricultural Research Act restored benefits to those elderly as of 1996, as well as children, people with disabilities, and refugees.)

Drunk Driving -- .08 BAC studies: The Department of Transportation is planning to release three studies next week on the effects of lowering the illegal blood alcohol concentration (BAC) from .10% to .08%. Two of the three studies show that .08 BAC laws have a deterrent effect on drinking and driving, particularly in conjunction with other drunk driving laws and programs such as administrative license revocation (where police immediately suspend the driver's license of a driver arrested for DWI). The third study which looked at .08 BAC in a single state (NC) found no statistically significant impact of the law in drunk driving crashes.

(1) Nationwide study: This study looked at the effects of illegal per se BAC laws (.08 BAC and .10 BAC) and administrative license revocation (ALR) laws in all 50 states over a 16-year period. The study estimated that .08 BAC laws resulted in 275 fewer fatalities in the 16 states with .08 BAC laws in effect in 1997, and estimates that an additional 590 lives could have been saved in 1997 if all 50 states had .08 laws.

(2) Eleven-state study: This multi-state study analyzed the impact of .08 BAC and ALR laws and found that .08 BAC laws were associated with significant reductions in alcohol-related fatalities in five of the 11 states studied (VT, KS, NC, FL, NM). Two other states (VA, CA) registered reductions following the adoption of both .08 BAC and ALR laws. The remaining four states (UT, OR, ME, NH) experienced slight decreases or increases in their alcohol-related fatalities that were not considered statistically significant.

(3) North Carolina study: This study found little separate effect of a .08 BAC law in North Carolina even though the state recorded a modest reduction alcohol-related deaths during the study period. North Carolina has an aggressive enforcement program, with the .08 law just one of the steps they have taken to help decrease in drunk driving deaths. The finding of this study conflicts with the 11-state study cited above, which indicates a positive impact of the .08 BAC law in the state in reducing alcohol-related deaths.

The three independent studies were commissioned by the National Highway Transportation Safety Administration (NHTSA). On a related note, the GAO is preparing to release in June a review of a number of .08 BAC studies, including the three listed here. The GAO report was required under the omnibus transportation bill signed last year. The GAO review will criticize the methodologies used in earlier NHTSA studies, but generally confirm the soundness of the new studies. The GAO will conclude that .08 BAC laws can be effective in reducing alcohol-related deaths in combination with other laws, particularly ALR.

However, the alcohol industry is likely to use the GAO report to discredit the previous DOT studies on .08 and the need for a national .08 standard.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 11:38:51.00

SUBJECT: List of Panel Participants for Equal Pay Roundtable

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:

We had a conference call today where we discussed the panel. There are two outstanding issues:

1. Sally and Gene are very concerned about having a comparable worth woman on the panel, even if we do not highlight her as such. They are worried that the groups and Harkin, after our event, will try to say that we are supporting comparable worth.

2. Ann Lewis is concerned about having the business on the panel because she thinks it takes our message away from that there is a real problem to be solved. She thinks with the MIT story and a business that is good actor focuses too much on solutions rather than a call to action. I'll send her an email saying that highlighting a good business is a call to action for other businesses to do the same. She was also worried that we are getting away from problems that can be solved by our legislative fix. I think she would rather have another women -- the problem is that it is hard to find the straight equal pay women. One thought would be to add the African American basketball coach from Howard that the VP talked about last year (however, this would be two persons from universities)

----- Forwarded by Mary L. Smith/OPD/EOP on 04/02/99
10:58 AM -----

Mary L. Smith

04/01/99 11:10:37 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Laura Emmett/WHO/EOP, Karin Kullman/OPD/EOP

Subject: List of Panel Participants for Equal Pay Roundtable

Attached is a list of three potential panel participants for the Equal Pay Event: (1) the woman professor who spearheaded the study at M.I.T.; (2) a business that is good on recruiting and hiring women and paying them equally; and (3) a comparable worth woman, who is a union member and works for the State of Minnesota. We are still looking for one other panel participant -- an older woman who is struggling in her retirement because she was not paid equally during her career. Ann Lewis thought that we couldn't have more than four persons other than the President and the First Lady on the panel and that if Secretary Herman were on the panel, then we could only have three women on the panel. (I think Herman is going to lobby heavily to get on the panel). Ann Lewis also had this vision that we should have a woman starting her career, one in the middle of her

career, and a woman in retirement. While we don't have a woman young in age, I think both the MIT professor and the Minnesota woman can speak to the issues of a woman starting her career. The MIT study found that young professors felt like they were treated equally, but that as they progressed in their careers, they felt marginalized. The Minnesota woman got a pay raise early in her career, which allowed her to quit her second job and helped her to decide to stay on the state payroll.

I am in the process of getting these people vetted. Let me know if you think they are alright. Is there anyone else you think I should send them to (Karen or Ann)? Thanks, Mary

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D86]MAIL445023503.136 to ASCII,
The following is a HEX DUMP:

FF57504370040000010A02010000000020500000007F1600000002000000B85FBC00968A57443EE19
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8116238E966B34EDC8381BA4CC99D7DCAD8679AE662506DA39B73D6B777FD302E2CB0CBBBD50CBD
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50BBCEB84F9686844B041E50BADBD5D10B32C4E6745F519F4F0418D7D6F1D205006A537C6E89BE

Potential Panel Participants for Equal Pay Event

Professor Nancy Hopkins, molecular biologist, Massachusetts Institute of Technology

Professor Hopkins was the initiator of the effort at M.I.T. to study gender discrimination in the School of Science. At the beginning of her career at M.I.T, Professor Hopkins felt that she was treated equally with the male faculty members. However, even after learning somewhat fortuitously that she was 20 percent underpaid, she did not really believe that she was being discriminated against, albeit unintentionally. However, in 1994 after seeing how other women were treated, Professor Hopkins joined forces with the only 14 other tenured women faculty vs. 194 tenured male faculty in the School of Science to see whether their situations were unique. These woman found that they shared common experiences, and the university agreed to set up a committee to study how female faculty were treated in the School of Science. The committee found that senior female faculty members were marginalized; were not given sufficient space or resources for their research; and were not paid equally. Recently, M.I.T. published the report of the committee and has made concerted efforts to correct these disparities. Professor Hopkins believes that the success of this initiative stemmed, in large part, from the collaboration between the school and the professors in trying to identify and solve the problem. Professor Hopkins continues to try to expand this effort to the entire university.

United Technologies Corporation (UT), Hartford, Connecticut

UT is a federal contractor, which is unionized and manufactures high technology products such as elevators, helicopters, and air conditioners. UT has won the highest award at Department of Labor in 1998 -- the Secretary's Opportunity 2000 award. UT tries to provide excellent opportunities for women in several areas. In hiring, UT extensively recruits women for non-traditional fields such as engineering and provides a slating process to ensure that women and minorities are considered for new hires. In trying to retain its workforce, UT conducts ongoing salary reviews in each business unit to ensure that women and minorities are being paid equally. In addition, UT offers several "family friendly" benefits such as flextime, childcare, eldercare, and telecommuting. UT also offers an "Employee Scholar" program where it provides tuition reimbursement and paid leave for employees to pursue degrees. Upon complete of a degree program, UT provides a stock award. In the area of career development, UT tries to keep qualified women and minorities in the pipeline for upper-level jobs by ensuring that women and minorities are slated as potential successors and receive the training they need. In setting wages, UT does a factor analysis which looks at the tasks involved, the responsibility level, and skills needed. UT believes that these policies are a business necessity in order to attract and retain workers and remain profitable.

Anna Marie Rodriguez Krueger, Administrative Secretary, Minnesota Department of Revenue

Ms. Krueger is a member of AFSCME and the "comparable worth" story. She has worked in the Minnesota Department of Revenue since 1977. In 1982, at the age of 23, Ms. Krueger joined a strike of clerical workers for three weeks in order to get a pay raise. As the result of a new collective bargaining contract, Ms. Krueger received a pay raise over two years from \$6.50 per hour to \$8.94 per hour, with some of the raise a regular increase and the rest a pay equity adjustment. As the result of this raise at an early stage of her career, Ms. Krueger was able to

quit her part-time job as a travel agent. Since that time, Ms. Krueger has been promoted to the top of the clerical rank. Ms. Krueger did not know the details of how the pay equity adjustment was reached (that her female-dominated job was compared with an equivalent male-dominated job); she just seemed happy that she received a raise. She recalled that after she returned to work after the strike, the other workers treated her and the other clerical workers with more respect.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 11:45:59.00

SUBJECT: Harkin and Equal Pay

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:

Caroline Frederickson called me last night to say that Harkin now plans on being here for the event and is pressing for a speaking role. I don't think we have told his office officially that we cannot support his bill. We should all sit down and discuss this. I think Karen is going to talk to Larry Stein about this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 13:06:23.00

SUBJECT: OMB spoke to the Federal Register

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

OMB spoke to the director of scheduling at the Federal Register who said pulling the rule was not impossible. The longer we wait the harder it is, so they can't offer us any guarantees without knowing our timing. Don Arbuckle will be glad to call on behalf of the President to push when and if we need him to. (Don is out of town so I did not speak to him personally, but this is what he told his staff person when he called in.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: George T. Frampton (CN=George T. Frampton/OU=CEQ/O=EOP [CEQ])

CREATION DATE/TIME: 2-APR-1999 13:31:52.00

SUBJECT: Escalating Mercury

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

READ:UNKNOWN

CC: Rosina M. Bierbaum (CN=Rosina M. Bierbaum/OU=OSTP/O=EOP@EOP [OSTP])

READ:UNKNOWN

TEXT:

ATSDR told BNA about their new standard (even though they are holding the printed version, I'm told, til next Friday), BNA printed it yesterday, and now we have environmental group press releases pointing out that a bipartisan group of Senators (including Leahy, Jeffords, Wellstone Boxer) asked earlier this month in a letter to Shalala that this be held and we're ignoring them. The lead is: Clinton Administration ignoring bipartisan congressional pleas, set to expose pregnant women and children to "drastically weaker health standards for mercury." ATSDR is alleged to be doing "downfield blocking for special interest groups."

Frankly, I had no idea this would cause a ruckus among anyone except us good government bureaucrats, and I imagine the rhetoric may be overinflated. Nevertheless, it appears that groups like the New England Conference of Governors and others are directly involved in the mercury level issue, so I think it's important to pursue this ASAP.

My initial take is that we have a strong case for convincing Sec. Shalala that this is an issue that should get a review before ATSDR comes out with the standard. Someone said this morning that she's in the Far East.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 13:49:24.00

SUBJECT: Possible Surgeon General's OpEd on Tobacco

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We discussed on Monday the SG's draft Op-Ed on tobacco.

I wanted you to know that the SG made the edits we wanted, including explicitly making a pitch for Congress to ensure settlement funds are used to prevent youth smoking, and has begun to shop the piece, starting with the Post, but don't expect any reaction until at least early next week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 14:15:29.00

SUBJECT: Puerto Rico Funding - ESEA

TO: Elena Kagan (CN=Elena Kagan/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:

Attached is a memo discussing the concerns that IGA raised about changing the funding formual for Puerto Rico in ESEA. Among staff at ED, OMB and DPC there is general agreement that the formula for Puerto Rico should not be changed. However, IGA's concerns have not yet been explicitly discussed with Barbara Chow or Mike Smith. ===== ATTACHMENT 1 ===

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D69]MAIL46662550I.136 to ASCII,
The following is a HEX DUMP:

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Issue:

IGA (Fred Duval and Jeff Farrow) are raising concerns about the allocation that Puerto Rico receives for programs under ESEA. Jeff has argued that PR does not get its "fair share" of ESEA formula funding and proposed changing the allocation formula to treat PR like the other states. IGA reports that Reps George Miller and Romero are concerned about this and that Hispanic members of Congress have written the President asking him to propose phasing in equal treatment of PR in the ESEA programs.

PR Allocation:

PR is treated differently than the other states. PR has an extraordinarily high number of children living in poverty. In Title I, the formula is adjusted for this high poverty factor and the amount of funds PR can receive is capped. When the Title I allocation is examined on a per-child basis, children in PR receive less funding per child than in other states with comparable numbers of children living in poverty. By extension (because Title I shares are used in computing allocations for other programs) the disparities in funding for PR are carried over to other programs. This funding allocation scheme for PR has been in existence for a long time -- Education thinks this has been the case since the enactment of ESEA in 1965 (they are checking on this).

Change in PR allocation:

OMB asked ED to produce simulations of how ESEA program funding would change if PR were funded like other states. PR would gain approximately \$49.7 million -- including \$44 million in Title I funding and \$1.4 million for class size reduction. All other states would lose resources, particularly some states with large populations of children -- including Hispanic children -- in poverty, including California (-\$11.4 million), New York (-\$8.1 million), Texas (-\$6.5 million) and Florida (-\$5.2 million).

Agency Views:

Education Dept

The Education Department's ESEA reauthorization proposals would continue to treat PR as it has been historically treated in Title I. ED believes that an administration proposal to change the treatment of PR would cause major funding dislocations and is not therefore proposing to cause (or to fight for) such a change. ED staff (Ann O'Leary/Tom Corwin) have not discussed this with Mike Smith but do not believe that their position will change.

OMB

OMB staff that have been looking at this issue are similarly disinclined to advocate a change in the funding formula for PR. They point out that the end result would be to take funds from several states serving large numbers of Hispanic Title I students to send it to one territory serving a similar Title I population. OMB staff have not yet discussed this issue with Barbara Chow.

Recommendation:

IGA is continuing to advocate strongly for a change -- or at least an updated rationale-- for this policy. I would recommend that we briefly discuss this issue at an upcoming ESEA meetings to ensure that ED, OMB, and DPC are in agreement that the allocation formula for PR remain unchanged. We should invite IGA to participate in this meeting in order to fully understand their

position.

Withdrawal/Redaction Marker

Clinton Library

| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|------------------|
| 001. email | Stacie Spector to Douglas Sosnik et al. Re: thanks. (2 pages) | 04/02/1999 | Personal Misfile |

COLLECTION:

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

FOLDER TITLE:

[04/02/1999]

2009-1006-F
vz122

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 14:59:17.00

SUBJECT: names and addresses

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

READ:UNKNOWN

TEXT:

Marvin Krislov
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Visiting Professor of Law
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Abner Mikva
Visiting Professor of Law and Senior Fellow
Institute of Government and Public Affairs
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Matt Myers
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Mr. John Coale
Founding Partner
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Ms. Christine Gregoire
Attorney General

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Mr. Elliot Mincberg
General Counsel and legal Director
People for the American Way Foundation
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Washington, DC 20036
(202) 467-2392

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 16:31:24.00

SUBJECT: Verbage for Equal Pay Event

TO: Karen Tramontano (CN=Karen Tramontano/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: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
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: Aviva Steinberg (CN=Aviva Steinberg/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: Mary L. Smith (CN=Mary L. Smith/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

After talking with Stacie, we would like to use the following words for the backdrop of the Equal Pay event:

Equal Pay for America's Working Families

Elena, Karen, and Ann -- are you ok with this language?
Communications will need to go to print with it early on Monday, so please let me know if you have any concerns. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 18:48:11.00

SUBJECT: Equal Pay Panel Update

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We've got Barbara Woolley helping us at finding a social worker or a nurse for the woman in a non-traditional job. However, it was hard to reach people today.

Nonetheless, I did talk to a woman who is a childcare worker:

Debbie Watkins, Park Street Children's Center, Rockville, Maryland
Ms. Watkins has a degree from Bowie State College in elementary education, and she has 15 years experience as a childcare worker, yet she earns about the same as she did teaching elementary school twenty years ago. She said that she could not continue working in this area if she did not have her husband's income. She said that even if she were single with no children, she could not really live on her current salary. She believes that in order to raise the pay of childcare workers, there should be alternate funding sources, both governmental and private.

What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 19:15:45.00

SUBJECT: Re: Equal Pay Panel Update

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

READ:UNKNOWN

TEXT:

Did you talk with Ann about having a business on the panel? She thinks a model business focuses too much on the solution rather than the problem.

Elena Kagan

04/02/99 07:00:16 PM

Record Type: Record

To: Mary L. Smith/OPD/EOP

cc: Karin Kullman/OPD/EOP

Subject: Re: Equal Pay Panel Update

That sounds pretty good, but she doesn't sound like a union member. You should see if you can come up with a few options for Monday, and then we can pick the best. I talked to Ann Lewis and she agrees with me on my basic point (i.e., that the panelist should demonstrate the comp. with problem, not the comp worth legislative solution), although she continues to want a union member.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 2-APR-1999 19:18:47.00

SUBJECT: Data Collection Language

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

READ:UNKNOWN

TEXT:

With everyone being gone for the holidays, it has been hard to get final signoff on the data collection language. I am going to try to touch base with everyone on Monday.