

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 049 - FOLDER -003

[04/16/1999]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	04/16/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[04/16/1999]

2009-1006-F

ke766

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

CREATION DATE/TIME:16-APR-1999 09:16:56.00

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:

We will NOT be having the Crime Strategy Meeting on Monday, April 19.
The next Crime Strategy meeting is planned for Monday, May 3, at 3:00 p.m.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 09:32:45.00

SUBJECT: Gov. Gray Davis decision on Prop. 187

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Yesterday, CA Gov. Gray Davis decided not to appeal a lower federal court ruling finding Prop. 187 unconstitutional and has requested the 9th circuit for to mediate an agreement between the parties. This decision has been met by mixed reviews in California and confusion.

When the Proposition 187 was considered by California voters, the Administration opposed this proposition but since it has been challenged in Federal Court, my understanding is that the Administration had not made an public statements on the case.

I assume we will be asked for a press guidance this so I am trying to get more information.

Please let me know if you have any questions. Thanks

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	04/16/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[04/16/1999]

2009-1006-F
ke766

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

CREATION DATE/TIME:16-APR-1999 09:32:47.00

SUBJECT: Quentin Lawson

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

READ:UNKNOWN

TEXT:

I checked with Mr. Lawson this morning and was informed that they have not been given an opportunity to share their veiws with anyone in DPC. He is the Ex. Dir. of the National Alliance of Black School Educators a national group who have been very supportive of most our initiatives. his number

is P6/(b)(6) Do me a favor and call him. Thanks.

[601]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 09:53:23.00

SUBJECT: Call from Robert Pear

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

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

READ:UNKNOWN

TEXT:

Robert Pear called, seeking data on use of the Welfare to Work tax credits. It sounds like Eli Segal spoke to one of his editors about all the Partnerships activities, including the help they provide companies on using the tax credits. We're working with Labor and others to get the data, but are hoping to steer Robert to a broader story about what companies are doing to train and retain former welfare recipients (some use tax credits to offset the cost) because any story wholly about the tax credits will have to have quotes from critics.

Robert doesn't seem in a hurry. We'll get the info together, see how it looks, and talk to you first before calling him back.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 16-APR-1999 10:01:56.00

SUBJECT: Re: ESEA -- anti-smoking programs

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

TEXT:

Is it really already the law that teachers can't smoke in the teachers lounge of a school that takes federal funds?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 11:07:08.00

SUBJECT: Revised Radio

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

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

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

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

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

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

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

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

TEXT:

Draft 4/16/99 11:00am

Tamagni

PRESIDENT WILLIAM J. CLINTON

RADIO ADDRESS ON ELDER ABUSE

DETROIT, MICHIGAN

April 17, 1999

Good morning. Of all the duties we owe to one another, our duty to our parents and grandparents is among the most sacred. Today I want to talk about the steps we must take to build a safety net for America's seniors that cracks down on elder crime, fraud, and abuse.

For more than six years, we have worked hard to take back our streets from crime and give American families the security they need to thrive. We have made remarkable progress, with violent crime dropping to its lowest levels in twenty-five years.

For elderly Americans who once locked themselves into their homes in fear, the falling crime rate has been a godsend. But the greatest threat many older Americans face is not a criminal armed with a gun, but a telemarketing scam artist armed with a slick rap. And for our most vulnerable seniors -- those who are sick or disabled and living in nursing homes -- there is no way to lock the door against abuse and neglect by the very people paid to care for them.

That is why the 21st Century Crime Bill I will send to Congress next month includes tough measures to target people who prey on elderly

Americans.

First, we must take action against telemarketing fraud that robs senior citizens of their life savings and endangers their well being. Every year, illegal telemarketing operations bilk the American people of an estimated \$40 billion -- and more than half of the victims are over 50.

Last year, I signed into law tough new penalties for telemarketing fraud -- but we should take steps now to stop scam artists before they have a chance to harm America's senior citizens. My Crime Bill will give the Justice Department new authority to terminate telephone service when it finds evidence of an illegal telemarketing operation or a plan to start one. This new law will send a message to telemarketers: if you prey on older Americans, we will cut off your phone lines and shut you down.

Second, we must take action against nursing home neglect and abuse -- a practice that violates the law and the values we hold dear as a nation. We have already taken strong steps to put an end to nursing home abuse, issuing the toughest regulations in history and stepping up investigations of nursing homes suspected of neglect and abuse.

But when reports show that one out of four nursing homes in America still fail to provide quality care to their residents -- and when people living in substandard nursing homes have as much to fear from abuse and neglect as they do from the diseases of old age -- we know we must do more.

My Crime Bill gives the Justice Department new authority to investigate, prosecute, and punish nursing homes operators who repeatedly neglect and abuse their residents. With prison sentences of up to ten years or more and fines of up to \$2 million, these new provisions make clear that we will settle for nothing less than the highest quality care in America's nursing homes.

Third, we must press on in our fight against health care fraud. Every year, health care fraud costs American tax payers billions of dollars -- \$12.6 billion for Medicare fraud alone -- draining resources from programs that provide vital care to senior citizens. As Vice President Gore announced last month, my Crime Bill will allow the Justice Department to take immediate action to stop false claims and illegal kick-back schemes, and grant federal prosecutors new tools to tackle fraud cases.

Finally, we must do more to stop retirement plan rip-offs. My Crime Bill will toughen penalties for people who steal from pension and retirement funds through embezzlement, bribery, and graft. To borrow a line from Senator Leahy -- who is working closely with us to strengthen the safety net for America's seniors -- the only people who should benefit from pensions are the people who worked a lifetime to build them.

In all these ways, we will protect our parents and grandparents, protect our values, and build a stronger America for 21st Century.

Thanks for listening.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 11:28:19.00

SUBJECT: Radio Final

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

Final

Tamagni

PRESIDENT WILLIAM J. CLINTON

RADIO ADDRESS ON ELDER ABUSE
DETROIT, MICHIGAN
April 17, 1999

Good morning. Of all the duties we owe to one another, our duty to our parents and grandparents is among the most sacred. Today I want to talk about the steps we must take to build a safety net for American seniors that cracks down on elder crime, fraud, and abuse.

For more than six years, we have worked hard to take back our streets from crime and give American families the security they need. We have made remarkable progress, with violent crime dropping to its lowest levels in twenty-five years.

For elderly Americans who once locked themselves into their homes in fear, the falling crime rate has been a godsend. But the greatest threat many older Americans face is not a criminal armed with a gun, but a telemarketing scam artist armed with a slick rap. And for our most vulnerable seniors -- those who are sick or disabled and living in nursing homes -- there is no way to lock the door against abuse and neglect by the very people paid to care for them.

That is why the 21st Century Crime Bill I will send to Congress next month includes tough measures to target people who prey on elderly Americans.

First, we must take action against telemarketing fraud that robs senior citizens of their life savings and endangers their well being. Every year, illegal telemarketing operations bilk the American people of an estimated \$40 billion -- and more than half of the victims are over 50.

Last year, we toughened penalties for telemarketing fraud -- but we should stop scam artists before they have a chance to harm America's seniors. My Crime Bill will give the Justice Department authority to terminate telephone service when it finds evidence of an illegal telemarketing operation or a plan to start one. This new law will send a message to telemarketers: if you prey on older Americans, we will cut off your phone lines and shut you down.

Second, we must take action against nursing home neglect and abuse -- a practice that violates the law and the values we hold dear as a nation. We have already taken strong steps to fight nursing home abuse, issuing the toughest regulations in history and stepping up investigations of nursing homes suspected of neglect and abuse.

Nursing homes can be a safe haven for senior citizens and families in need. But when reports show that one out of four nursing homes in America fail to provide quality care to their residents -- and when people living in substandard nursing homes have as much to fear from abuse and neglect as they do from the diseases of old age -- we know we must do more.

My Crime Bill gives the Justice Department new authority to investigate, prosecute, and punish nursing homes operators who repeatedly neglect and abuse their residents. With prison sentences of up to ten years or more and fines of up to \$2 million, these new provisions make clear that we will settle for nothing less than the highest quality care in America's nursing homes.

Third, we must press on in our fight against health care fraud.

Every year, health care fraud costs American tax payers billions of dollars, draining resources from programs that provide vital care to senior citizens. As Vice President Gore announced last month, my Crime Bill will allow the Justice Department to take immediate action to stop false claims and illegal kick-back schemes, and give federal prosecutors new tools to tackle fraud cases.

Finally, we must do more to stop retirement plan rip-offs. My Crime Bill will toughen penalties for people who steal from pension and retirement funds through embezzlement, bribery, and graft. To borrow a line from Senator Leahy -- who is working closely with us to strengthen the safety net for America's seniors -- the only people who should benefit from pensions are the people who worked a lifetime to build them.

In all these ways, we will protect our parents and grandparents, protect our values, and build a stronger America for 21st Century.

Thanks for listening.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 11:38:28.00

SUBJECT: Charter Schools/Bill Lan Lee

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

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

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

TEXT:

I have been asked to participate in a conference call today, Friday at 4pm on Bill Lan Lee and need your advice.

After our meeting on charter schools earlier this week, Tracey Thornton called me to inform me that Senator Hatch and other folks have linked the charter schools issue with Bill Lan Lee's nomination and they feel they need a letter or some document that separates this issue from his nomination asap.

I explained to Tracey that Education is drafting a letter that addresses the larger issue of civil rights and schools. Tracey thought that would be fine, however upon further reflection, I am not sure if this Education letter is really the kind of response that will separate the issue from Bill's nomination. It may make more sense for someone else - preferably with credibility in both the charter school and civil rights arenas - send a letter that separates this issue from Bill's nomination. Of course, we should provide policy directions but the letter could be similar to the general letter that White House Counsel's office drafted last month that indicates that the Administration supports both charter schools and civil rights.

Please let me know what you think. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:16-APR-1999 11:48:18.00

SUBJECT: JusticeTestimony for Flag Burning Constitutional Amendment -- comments req

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

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

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

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

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

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

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

TEXT:

Justice has asked for clearance of this testimony by 11:00 AM Monday. The hearing is scheduled for 10:30 Tuesday, 4/20.

Copies of the proposed testimony (SJRESTEST) and the text of the Joint Resolution (SJRES14TXT.wpd) are attached.

No hard copy will be sent.

LRM ID: REJ57
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Friday, April 16, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Richard E. Green (for) Assistant Director for

Legislative Reference

OMB CONTACT: Ronald E. Jones

PHONE: (202)395-3386 FAX: (202)395-3109

SUBJECT: JUSTICE Report on SJRES14 Proposing an amendment to the U.S. Constitution authorizing Congress to prohibit the physical desecration of the U.S. flag.

DEADLINE: 11:00 AM Monday, April 19, 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: Justice has asked for clearance of this testimony by 11:00 AM Monday. The hearing is scheduled for 10:30 Tuesday, 4/20.

DISTRIBUTION LIST

AGENCIES:

Executive Office of the President - EOP Review Only See Distribution -

EOP:

Michelle Peterson
 Caroline R. Fredrickson
 Bruce N. Reed
 Elena Kagan
 Robert G. Damus
 Steven D. Aitken
 Sandra Yamin
 John E. Thompson
 Richard E. Green

LRM ID: REJ57 SUBJECT: JUSTICE Report on SJRES14 Proposing an amendment to the U.S. Constitution authorizing Congress to prohibit the physical desecration of the U.S. flag.

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: Ronald E. Jones Phone: 395-3386 Fax: 395-3109
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant):
 395-3454

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: _____

_____ FAX RETURN of _____ pages, attached to this response sheet=====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D0]ARMS22283532X.136 to ASCII,
The following is a HEX DUMP:

FF57504389040000010A02010000000205000000C60F000000020000F3D6E2CD44ED1F0B94A2E7
1DACD985560EFB349EA676AD1A72D4BAC0B456050B9AEBFF567B3EC0581286FA691CA0191A6B3F
B56E0679485136ECD81E297BEFFC505F6045CFB078E06510242B8C81411EEE5928ACFFDDC59CA5
AAF6D04FD6BBE8531F8234687B0EA8587887F1625C4B17B76D0FCE29C227A3824C6FD8C38EC6CF
9915F99BACFB9F0124D40E9C4153733371BCF32AF0C7A4FE141E2690D6DD0B990F805604966D34
A99C8389FD72652CE403C33B9F821625D4B8F3B8E4B60280D2DBFBA827A2D98D14A036F863BAA5
E9FADE26274A7CABC9AA52114D9174B4C8D1D67E3D5C5034EBEB23AD821090C93D043FE9B01DA4

SJ 14 IS

106th CONGRESS

1st Session

S. J. RES. 14

Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

IN THE SENATE OF THE UNITED STATES

March 17, 1999

Mr. HATCH (for himself, Mr. CLELAND, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BOND, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHNSON, Mr. KYL, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. NICKLES, Mr. REID, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, and Mr. WARNER) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for

ratification:

`Article--

`The Congress shall have power to prohibit the physical desecration of the flag of the United States.'.

END

Testimony Before the
United States Senate Committee on the Judiciary
on
A Proposed Flag Desecration Constitutional Amendment

Randolph D. Moss
Acting Assistant Attorney General

Office of Legal Counsel
United States Department of Justice

April 20, 1999

Mr. Chairman, and Members of the Committee:*

As you know, in 1989 the Supreme Court held in Texas v. Johnson¹ that a state could not, consistent with the First Amendment, enforce a statute criminalizing flag desecration against a demonstrator who burned an American flag. In 1990, in United States v. Eichman,² the Court held that the First Amendment prohibited the conviction of demonstrators for flag burning under a federal statute that criminalized mutilating, defacing, or physically defiling an American flag.

* In 1995, Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, provided substantially similar testimony to the Subcommittee on the Constitution, Federalism, and Property Rights of the United States Senate Judiciary Committee regarding S.J. Res. 31, A Bill Proposing an Amendment to the Constitution of the United States to Grant Congress and the States the Power to Prohibit the Physical Desecration of the Flag of the United States.

¹ 491 U.S. 397 (1989).

² 496 U.S. 310 (1990).

For nine years, then, the flag has been left without any statutory protection against desecration. For nine years, one thing, and only one thing, has stood between the flag and its routine desecration: the fact that the flag, as a potent symbol of all that is best about our country, is justly cherished and revered by nearly all Americans. Chairman Hatch has eloquently described the flag's status among the American people:

The American flag represents in a way nothing else can, the common bond shared by a very diverse people. Yet whatever our differences of party, politics, philosophy, race, religion, ethnic background, economic status, social status, or geographic region, we are united as Americans. That unity is symbolized by a unique emblem, the American flag.³

It is precisely because of the meaning the flag has for virtually all Americans that the last nine years have witnessed no outbreak of flag burning, but only a few isolated instances. If proof were needed, we have it now: with or without the threat of criminal penalties, the flag is amply protected by its unique stature as an embodiment of national unity and ideals.

It is against this background that one must assess the need for a proposed constitutional amendment (S.J. Res. 14) that would provide Congress with the "power to prohibit," and presumably impose criminal punishment for, the "physical desecration" of the American flag. The amendment, if passed, would for the first time in our history limit the Bill of Rights adopted over two centuries ago. It would thus run counter to our traditional resistance, dating back to the time of the Founders, to resorting to the amendment process. And it would do so

³ 141 Cong. Rec. S4275 (daily ed. Mar. 21, 1995).

to restrict the liberties that the Bill of Rights currently protects. Whether other truly exigent circumstances justify altering the Bill of Rights is a question we can put to one side here. For you are asked to assume the risk inherent in crafting a first-time exception to the Bill of Rights in the absence of any meaningful evidence that the flag is in danger of losing its symbolic value. Moreover, the amendment before you would create legislative power of uncertain dimension to override the First Amendment and other constitutional guarantees. For these reasons, the proposed amendment -- and any other proposal to amend the Constitution in order to punish a few isolated acts of flag burning -- should be rejected by this Congress.

I.

At the outset, I would like to emphasize that the Administration's views on the wisdom of the proposed amendment does not in any way reflect a lack of appreciation for the proper place of the flag in our national community. The President always has and always will condemn in the strongest of terms those who would denigrate the symbol of our Country's highest ideals.

The President's record reflects his long-standing commitment to protection of the American flag, and his profound abhorrence of flag burning and other forms of flag desecration. In 1989, after the Supreme Court invalidated the Texas statute at issue in Johnson, then-Governor Clinton responded promptly by recommending enactment of a new state law prohibiting all intentional destruction of a flag. The President worked hard to craft legislation that would survive Supreme Court review, and his view was that the statute was consistent with the First Amendment. As you know, however, the Supreme Court's subsequent decision in Eichman, invalidating the federal Flag Protection Act, appears to

foreclose legislative efforts to prohibit flag burning. In the wake of Johnson, then-Governor Clinton also instituted a state-wide "flag respect" program to teach school children proper appreciation for the flag. Working with veterans groups in Arkansas, Governor Clinton created a program that went on to win awards from the Veterans of Foreign Wars and the Vietnam Veterans of America.

II.

The text of the proposed amendment is short enough to quote in full: "The Congress shall have power to prohibit the physical desecration of the flag of the United States."⁴ The scope of the amendment, however, is anything but clear. Because the proposed amendment fails to state explicitly the degree to which it overrides other constitutional guarantees, it is entirely unclear how much of the Bill of Rights it would trump.

By its terms, the proposed amendment does no more than confer affirmative power upon Congress and the States to legislate with respect to the flag. Its wording is similar to the power-conferring clauses found in Article I, Section 8 of the Constitution: "Congress shall have power to lay and collect taxes," for instance, or "Congress shall have power . . . to regulate commerce . . . among the several states." Like those powers, and all powers granted government by the Constitution, the authority given by the proposed amendment would seem to be limited by the Bill of Rights and the Fourteenth Amendment.

⁴ S.J. Res. 14. See also H.J. Res. 33 (same).

The text of the proposed amendment does not purport to exempt the exercise of the power conferred from the constraints of the First Amendment or any other constitutional guarantee of individual rights. Read literally, the amendment would not alter the result of the decisions in Eichman or Johnson, holding that the exercise of congressional and state power to protect the symbol of the flag is subject to First and Fourteenth Amendment limits. Rather, by its literal text, it would simply and unnecessarily make explicit the governmental power to legislate in this area that always has been assumed to exist.

To give the amendment meaning, then, we must read into it, consistent with its sponsors' intent, at least some restriction on the First Amendment freedoms identified in the Supreme Court's flag decisions. What is profoundly difficult is identifying just how much of the First Amendment and the rest of the Bill of Rights is superseded by the amendment. Once we have departed, by necessity, from the proposed amendment's text, we are in uncharted territory, and faced with genuine uncertainty as to the extent to which the amendment will displace the protections enshrined in the Bill of Rights.

We do not know, for instance, whether the proposed amendment is intended, or would be interpreted, to authorize enactments that otherwise would violate the due process "void for vagueness" doctrine. In Smith v. Goguen,⁵ the Court reversed the conviction of a defendant who had sewn a small flag on the seat of his jeans, holding that a state statute making it a crime to "treat contemptuously" the flag was unconstitutionally vague. We cannot be certain

⁵ 415 U.S. 566 (1974).

that the vagueness doctrine applied in Smith would limit as well prosecutions brought under laws enacted pursuant to the proposed amendment.

Nor is this a matter of purely hypothetical interest, unlikely to have much practical import. The amendment, after all, authorizes laws that prohibit "physical desecration" of the flag, and "desecration" is not a term that readily admits of objective definition. On the contrary, "desecrate" is defined to include such inherently subjective meanings as "profane" and even "treat contemptuously" itself. Thus, a statute tracking the language of the amendment and making it a crime to "physically desecrate" an American flag would suffer from the same defect as the statute at issue in Smith: it would "fail[] to draw reasonably clear lines between the kinds of nonceremonial treatment that are criminal and those that are not."⁶

⁶ 415 U.S. at 574.

The term "flag of the United States" is similarly "unbounded,"⁷ and by itself provides no guidance as to whether it reaches unofficial as well as official flags, or pictures or representations of flags created by artists as well as flags sold or distributed for traditional display. Indeed, testifying in favor of a similar amendment in 1989, then-Assistant Attorney General William Barr acknowledged that the word "flag" is so elastic that it can be stretched to cover everything from cloth banners with the characteristics of the official flag, as defined by statute,⁸ to "any picture or representation" of a flag, including "posters, murals, pictures, [and] buttons".⁹ And while a statute enacted pursuant to the amendment could attempt a limiting definition, it need not do so; the amendment would authorize as well a statute that simply prohibited desecration of "any flag of the United States." Again, such a statute would implicate the vagueness doctrine applied in Smith, and raise in any enforcement action the question whether the empowering amendment overrides due process guarantees.

Even if we are prepared to assume, or the language of the amendment is modified to make clear, that the proposed amendment would operate on the First Amendment alone, important questions about the amendment's scope remain. Specifically, we still face the question whether the powers to be exercised under the amendment would be freed from all, or only some, First Amendment constraints, and, if the latter, how we will know which constraints remain applicable.

⁷ Id. at 575.

⁸ See 4 U.S.C. § 1.

⁹ Measures to Protect the Physical Integrity of the American Flag: Hearings on S. 1338, H.R. 2978, and S.J. Res. 180 Before the Senate Comm. on the Judiciary, 101st Cong., 1st Sess. 82-85 (1989) ["1989 Hearings"].

An example may help to illuminate the significance of this issue. In R.A.V. v. City of St. Paul,¹⁰ decided in 1992, the Supreme Court held that even when the First Amendment permits regulation of an entire category of speech or expressive conduct, it does not necessarily permit the government to regulate a subcategory of the otherwise proscribable speech on the basis of its particular message. A government acting pursuant to the proposed amendment would be able to prohibit all flag desecration,¹¹ but, if R.A.V. retains its force in this context, a government could not prohibit only those instances of flag desecration that communicated a particularly disfavored view; statutes making it a crime -- or an enhanced penalty offense -- to "physically desecrate a flag of the United States in opposition to United States military actions," for instance, would presumably remain impermissible.

This result obtains, of course, if and only if the proposed amendment is understood to confer powers that are limited by the R.A.V. principle. If, on the other hand, the proposed amendment overrides the whole of the First Amendment, or overrides some select though unidentified class of principles within which R.A.V. falls, then there remains no constitutional objection to the hypothetical statute posited above. This is a distinction that makes a difference, as I hope this example shows, and it should be immensely troubling to anyone

¹⁰ 112 S. Ct. 2538 (1992).

¹¹ Even a statute that prohibited all flag desecration would be in tension with the principle of R.A.V. Although a few acts done with a flag could be considered a "desecration" in all contexts, that would not be the case with burning, for example. Only some burnings could be prohibited by statutes adopted under the proposed amendment. Respectful burning of the flag will remain legal after the amendment's adoption as before. See 36 U.S.C. § 176(k) ("The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning."). What may be prohibited is only that destruction of a flag that communicates a particular message, one of disrespect or contempt. The conclusion that a particular act of burning is a "desecration" may require in most instances consideration of the particular message being conveyed.

considering the amendment that its text leaves us with no way of knowing whether the rule of R.A.V. -- or any other First Amendment principle -- would limit governmental action if the amendment became part of the Constitution.¹²

III.

I have real doubts about whether these interpretive concerns could be resolved fully by even the most artful of drafting. In my view, any effort to constitutionalize an "exception" to the Bill of Rights necessarily will produce significant interpretive difficulties and uncertainty, as the courts attempt to reconcile a specific exception with the general principles that remain.¹³ But even assuming, for the moment, that all of the interpretive difficulties of this amendment could be cured, it would remain an ill-advised departure from a constitutional history marked by a deep reluctance to amend our most fundamental law. The Bill of Rights was ratified in 1792. Since that time, over two hundred years ago, the Bill of Rights has never once been amended. And this is no historical accident, nor a product only of the difficulty of the amendment process itself. Rather, our historic unwillingness to tamper with the Bill of Rights

¹² Another proposed amendment, contained in H.J. Res. 5, provides: "The Congress and the States shall have power to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act." Not only does the phrase "act of desecration" appear to be broader, and more vague, than the term "physical desecration" in S.J. Res. 14 and H.J. Res. 33, but H.J. Res. 5 also grants the power of prohibition to the fifty states and an uncertain number of local governments. That raises, of course, the interpretive question whether state legislatures acting under the amendment would remain bound by state constitutional free speech guarantees, or whether the proposed amendment would supersede state as well as federal constitutional provisions.

¹³ For an earlier discussion of this problem in the context of a proposed Silent Prayer Amendment, see Walter Dellinger, The Sound of Silence: An Epistle on Prayer and the Constitution, 95 Yale L.J. 1631, 1644-45 (1986).

reflects a reverence for the Constitution that is both entirely appropriate and fundamentally at odds with turning that document into a forum for divisive political battles.

The Framers themselves understood that resort to the amendment process was to be sparing and reserved for "great and extraordinary occasions."¹⁴ In The Federalist Papers, James Madison warned against using the amendment process as a device for correcting every perceived constitutional defect -- a practice that could not help but undermine the role of the Supreme Court.¹⁵ Of particular interest here, Madison objected especially to amendment on issues that inflamed public passion, fearing that such actions might threaten "the constitutional equilibrium of the government."¹⁶

The proposed amendment cannot be reconciled with this fundamental and historic understanding of the integrity of the Constitution. I think perhaps Charles Fried, who served with distinction as Solicitor General under President Reagan, made the point best when he testified against a similar proposed amendment in 1990:

¹⁴ The Federalist No. 49, at 314 (James Madison) (Clinton Rossiter ed., 1961).

¹⁵ See id. at 314.

¹⁶ Id. at 315-17. See also 1989 Hearings at 720-23 (statement of Professor Henry Paul Monaghan, Columbia University School of Law).

The flag, as all in this debate agree, symbolizes our nation, its history, its values. We love the flag because it symbolizes the United States; but we must love the Constitution even more, because the Constitution is not a symbol. It is the thing itself.¹⁷

IV.

Americans are free today to display the flag respectfully, to ignore it entirely, or to use it as an expression of protest or reproach. By overwhelming numbers, Americans have chosen the first option, and display the flag proudly. And what gives this gesture its unique symbolic meaning is the fact that the choice is freely made, uncoerced by the government. Were it otherwise -- were, for instance, respectful treatment of the flag the only choice constitutionally available -- then the respect paid the flag by millions of Americans would mean something different and perhaps something less.

#

¹⁷ Proposing an Amendment to the Constitution Authorizing the Congress and the States to Prohibit the Physical Desecration of the American Flag: Hearing Before the Senate Comm. on the Judiciary, 101st Cong., 2d Sess. 110 (1990).

ACTION

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: SAMUEL BERGER
BRUCE REED
NEAL LANE
RON KLEIN
JACK LEW

SUBJECT: Proposed Biological Terrorism Provisions in the Omnibus Crime Bill

Purpose

To determine the Administration's position on the proposed biological terrorism provisions in the Omnibus Crime Bill.

Background

There is consensus within the Administration that serious gaps exist in federal bioterrorism laws. In contrast to chemical, nuclear or radiological weapons, there are currently few laws in place designed to limit the availability of biological weapons to the general public. Current laws punish perpetrators after they unleash biological warfare agents; they do not address inappropriate possession or "bio-hoaxes." Accordingly, there is interagency agreement that the proposed Omnibus Crime Bill should include new provisions controlling:

- Possession of biological agents not justified by a peaceful purpose. Justification would depend on the type, quantity, and purpose of the agent.
- Unregistered possession of selected biological agents. This provision, a logical extension of current CDC transfer regulations, recognizes that authorities should be aware of who is handling the most deadly biological agents. Although establishing an initial inventory may pose a challenge to the scientific community, any continuing reporting burden would be minimal for scientific facilities that already comply with CDC transfer regulations. The President would have 60 days after this legislation takes effect to designate the agency that would be responsible for the registration process.
- Knowingly perpetrating a hoax regarding the use of harmful biological agents. This provision is necessary given the recent spate of such hoaxes as the rash of anthrax scares in California.
- Reckless handling of biological agents. This captures handling of biological agents that creates an "unreasonable risk to public health and safety," e.g., handling biological agents in a manner that willfully creates a risk to public health and safety. (Indications are that this issue has been resolved but we have not yet seen compromise language)

There is disagreement between HHS and DOJ, however, about whether and how to restrict certain individuals from handling biological agents:

- Possession of selected biological agents by a restricted individual. In language taken verbatim from the Brady Bill, this provision asserts that factors such as a felony record, country of permanent residence, or mental impairment raise important questions about a person's suitability to possess deadly biological agents. Exceptions are permitted in appropriate circumstances.

Justice Position

DOJ argues that bioterrorism is a growing concern in the Congress and that many on both sides of the aisle will be looking to see if the Administration will produce a draft bill with a strong law enforcement focus before introducing their own proposals. Justice believes that these provisions taken together will provide law enforcement with critical tools to prevent a bioterrorism catastrophe, while being minimally intrusive on legitimate research. With respect to the "restricted individuals" provision, DOJ claims that all an employer would have to do is ask the applicant a list of questions and get a yes/no response and is willing to make this self-reporting mechanism explicit in bill language.

In other words, DOJ asserts the employer would not be required to conduct an extensive background check and would not be held liable in the case of an incident. Further, DOJ has indicated flexibility on the conditions which would restrict possession of select agents, arguing that only felons, fugitives and those dishonorably discharged from the military be excluded. They have offered to give HHS flexibility to determine what other restrictions should apply within a specified timeframe, without requiring that the extensive list of Brady bill restrictions apply. While Justice has indicated some flexibility on this issue, it is clear they want some type of check in the bill.

HHS Position

HHS believes that the requirement for background checks for individuals handling or possessing dangerous biological agents does not ensure that the investigation focuses on reasonable indicators of irresponsible behavior or terrorist proclivities. For example, the provision covers misdemeanor convictions, which could include domestic violence; addiction to controlled substances, which could include prescription medications; or hospitalization for mental conditions, which could include temporary depressions. Although the Justice provision allows for exceptions, HHS believes that in practice, employers would not be willing to accept the risk of waiving the requirement for certain employees, thus essentially excluding qualified scientists with minor offenses from the profession.

HHS would instead set a Presidential deadline of 60 days for consultation with the scientific community to draft a proposal to this issue, and would hold off on including this provision in the Crime Bill at this time. The proposal would include: measures to address the training of

scientists; safe procedures for handling, storage and security of biocontaminants; civil fines and penalties; and the question of what personal characteristics or events in an individual's history could legitimately support exclusion from research on select agents. HHS believes that investing the community in the subsequent drafting process would invest this extremely important constituency in our policy.

Recommended Solution

Both agencies have had extensive policy-level discussion on this topic for the past 10 days and have indicated some flexibility in their positions, but without agreement thus far. We are united in our belief that some background check is necessary, which is a fundamental point for DOJ that HHS has been unwilling to concede. However, we believe that there are middle-ground options that accomplish DOJ's goal of keeping certain individuals away from these materials while acknowledging HHS' concern that the list of conditions need not be as long or burdensome as the original proposal. What follows is a series of steps that we believe should address both agencies' concerns:

Restrict felons, fugitives and those with dishonorable military discharges from possession

This should address HHS' personal privacy concerns and reluctance to ask intrusive questions of scientists, while accomplishing DOJ's objective to limit access to these agents.

Make self-reporting mechanism explicit in language to limit need for background checks

for possession of select agents by a restricted individual. Change language to make it sufficient for the employer to inquire on the job application form whether an individual has a prior felony conviction, is a fugitive from justice, or has ever been dishonorably discharged from the military in order to meet their responsibility.

Additionally, questions asked in connection with these provisions should be made subject to 18 USC 1001, the False Statement Accountability Act of 1996, which would hold the applicant liable for responding accurately. The impact would be to impose civil and/or criminal penalties for making false statements on the individual, not the employer. Violators of 18 USC 1001 may be fined or imprisoned for up to five years.

Make HHS responsible for issuing waivers

For individuals that have felony convictions or would otherwise be restricted from handling selected agents, employers would be allowed to apply to HHS for waivers. HHS would promulgate regulations that outline procedures for granting waivers including requiring that a background investigation be completed by a law enforcement agency. HHS would then determine the suitability of the individual to handle restricted agents. This would rely on the established background check and limit employer liability.

Consult with scientific community as we prepare to send the Crime Bill to Congress

As internal negotiations proceed on the Crime Bill language, allow HHS to begin the process of consulting the scientific community to seek their technical input and support for these provisions.

If you concur with this package of alternatives, we will work with DOJ and HHS to develop legislative language for them and have it reflected in the Crime Bill

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 12:21:35.00

SUBJECT: Meeting with Kennedy's Staff

TO: Mike_Cohen (Mike_Cohen @ ed.gov @ inet [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Judith_Johnson (Judith_Johnson @ ed.gov @ inet [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Iratha H. Waters (CN=Iratha H. Waters/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

This meeting is set for 10:30 a.m., Monday, April 19. They'll call me later today with the room number.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 12:50:55.00

SUBJECT: Teacher of the Year speech

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Should the President mention in his speech for the Teacher of the Year award on Monday, that he is pleased with the ED-Flex conference decision to drop the Lott amendment, but to include strong accountability? Paul Glastris in speechwriting would like your opinion. Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Iratha H. Waters (CN=Iratha H. Waters/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:16-APR-1999 13:27:40.00

SUBJECT: FYI - meeting

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

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

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

TEXT:

FYI -- Barbara ask that I pass this on ---- there is a meeting today at 5pm in Barbara Chow's office -- attendees are Alan Ginsburg, Judith Johnson, Val Plisko, Joanne Bogart and Ann O'Leary and staff from the Education Branch re: Title I Assessment --- you are welcome to join us.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 13:58:02.00

SUBJECT: Re: Charter Schools/Bill Lan Lee

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

READ:UNKNOWN

TEXT:

Thanks. I will follow up with Tracy.

Elena Kagan

04/16/99 01:41:16 PM

Record Type: Record

To: Irene Bueno/OPD/EOP

cc: Jonathan H. Schnur/OPD/EOP, Bruce N. Reed/OPD/EOP

bcc:

Subject: Re: Charter Schools/Bill Lan Lee

The Ed letter isn't going to do the trick. Your suggestion sounds fine, but quite honestly, so long as Justice is where Justice is on this issue, Tracy is going to have a hard time just making it go away.

Irene Bueno

04/16/99 11:38:55 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Jonathan H. Schnur/OPD/EOP, Laura Emmett/WHO/EOP

Subject: Charter Schools/Bill Lan Lee

I have been asked to participate in a conference call today, Friday at 4pm on Bill Lan Lee and need your advice.

After our meeting on charter schools earlier this week, Tracey Thornton called me to inform me that Senator Hatch and other folks have linked the charter schools issue with Bill Lan Lee's nomination and they feel they need a letter or some document that separates this issue from his nomination asap.

I explained to Tracey that Education is drafting a letter that addresses the larger issue of civil rights and schools. Tracey thought that would be fine, however upon further reflection, I am not sure if this Education letter is really the kind of response that will separate the issue from

Bill's nomination. It may make more sense for someone else - preferably with credibility in both the charter school and civil rights arenas - send a letter that separates this issue from Bill's nomination. Of course, we should provide policy directions but the letter could be similar to the general letter that White House Counsel's office drafted last month that indicates that the Administration supports both charter schools and civil rights.

Please let me know what you think. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michelle Peterson (CN=Michelle Peterson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-APR-1999 14:00:52.00

SUBJECT: Meeting on Bioterrorism

TO: Bruce W. MacDonald (CN=Bruce W. MacDonald/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

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

TO: Lisa Gordon-Hagerty (CN=Lisa Gordon-Hagerty/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

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

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

TEXT:

Counsel's Office continues to have concerns on both the reckless handling and restricted individual issues. Chuck does not want to send a memo to the President until it is clear what has been worked out and precisely what the remaining disagreements are. He would very much like to have a brief meeting soon rather than engage in continued (and seemingly fruitless) debate via succeeding email drafts. Is it possible to pull together the appropriate people soon -- either Monday am or after 4 pm, or on Tuesday? And who is the appropriate person/office to do so?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 14:02:00.00

SUBJECT: DPC Team Leaders Meeting

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

TEXT:

The DPC Team Leaders Meeting will be at 9:30 a.m. on Monday morning, April 19. Please be here on time -- this meeting will last 45 minutes.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 14:28:48.00

SUBJECT: Revised Final

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

Revised Final
Tamagni

PRESIDENT WILLIAM J. CLINTON

RADIO ADDRESS ON ELDER ABUSE
DETROIT, MICHIGAN
April 17, 1999

Good morning. Of all the duties we owe to one another, our duty to our parents and grandparents is among the most sacred. Today I want to talk about what we must do to strengthen the safety net for American seniors, by cracking down on elder crime, fraud, and abuse.

For more than six years, we have worked hard to keep our families and our communities safe. We have made remarkable progress, with violent crime dropping to its lowest levels in twenty-five years.

For elderly Americans who once locked themselves into their homes in fear, the falling crime rate is a godsend. But the greatest threat many older Americans face is not a criminal armed with a gun, but a telemarketer armed with a deceptive rap. And our most defenseless seniors -- those who are sick or disabled and living in nursing homes -- cannot lock the door against abuse and neglect by the people paid to care for them.

American seniors are especially vulnerable to fraud and abuse -- so we must take special steps to protect them. That is why the 21st Century Crime Bill I will send to Congress next month includes tough measures to target people who prey on elderly Americans.

First, we must fight telemarketing fraud that robs senior citizens of their life savings and endangers their well being. Every year, illegal telemarketing operations bilk the American people of an estimated \$40 billion -- and more than half the victims are over 50. That's like a fraud tax aimed directly at senior citizens.

Last year, we toughened penalties for telemarketing fraud -- but we should stop scam artists before they have a chance to harm American seniors. My Crime Bill will give the Justice Department authority to terminate telephone service when agents find evidence of an illegal telemarketing operation or a plan to start one. This new law will send a message to telemarketers: if you prey on older Americans, we will cut off your phone lines and shut you down.

Second, we must fight nursing home neglect and abuse. Nursing homes can be a safe haven for senior citizens and families in need. To make sure they are, we have issued the toughest nursing home rules in history and stepped up investigations of facilities suspected of neglect and abuse. But when one out of four nursing homes in America does not provide quality care to their residents -- and when people living in substandard nursing homes have as much to fear from abuse and neglect as they do from the diseases of old age -- we must do more.

My Crime Bill gives the Justice Department authority to investigate, prosecute, and punish nursing homes operators who repeatedly neglect and abuse their residents. With prison sentences of up to 10 years or more and fines of up to \$2 million, these new provisions make clear that we will settle for nothing less than the highest quality care in American nursing homes.

Third, we must fight health care fraud. Every year, health care fraud costs American tax payers billions of dollars, draining billions of dollars from programs that provide vital care to senior citizens. As Vice President Gore announced last month, my Crime Bill will allow the Justice

Department to take immediate action to stop false claims and illegal kick-back schemes, and give federal prosecutors new tools to tackle fraud cases.

Finally, we must fight retirement plan rip-offs. My Crime Bill will toughen penalties for people who steal from pension and retirement funds. To borrow a line from Senator Leahy -- who is working closely with us to strengthen the safety net for America's seniors -- the only people who should benefit from pensions are the people who worked a lifetime to build them.

I look forward to working with the Congress in the coming days to give America's senior citizens the security they deserve. That is how we will protect our parents and grandparents, protect our values, and build a stronger America for 21st Century.

Thanks for listening.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Paul D. Glastris (CN=Paul D. Glastris/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 16-APR-1999 14:47:39.00

SUBJECT: draft of Monday's teacher speech--comments back ASAP please

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

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

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

TEXT:

Draft 4/16/99 2:40 p.m.
Paul Glastris
PRESIDENT WILLIAM J. CLINTON
REMARKS AT TEACHER OF THE YEAR AWARD
THE WHITE HOUSE, ROSE GARDEN
WASHINGTON, DC
April 19, 1999

Acknowledgments: TBD

In 1952, President Harry S Truman presented the very first Teacher off the Year Award, right here in the Rose Garden. The recipient was Mrs. Geraldine Jones, who taught first grade at a school in Santa Barbara, CA whose name I rather like: the Hope School.

Every year since, Presidents or members of their family have personally handed out this award, to recognize outstanding teachers, and honor all teachers. Eight hours a day, five days a week, nine months a year, teachers literally have the future of our nation in their hands. They teach our children to read, write, calculate, sing, paint, listen, question, work with others, and think for themselves. They excite our children's intellects, lift their aspirations, open their hearts, strengthen their values, and shape their memories. Every one of us can probably recall not only the names of our old teachers, but their faces, their voices, their favorite admonitions, the way their hands gripped the chalk as they wrote on the blackboard, the pride we felt when they praised

us, and the chill that ran through us when they caught us doing something wrong. Under their watch, we became who we are, and their influence over us lingers.

The role of teachers is hard to exaggerate, yet easy to overlook. Teachers do their difficult jobs quietly, behind four walls, largely isolated from other adults. Their work is seldom glorified by Hollywood, and insufficiently rewarded by society. And yet their role is more important than perhaps at any time in history now that we have entered the information age, in which the success of the nation rides on the knowledge and creativity of its citizens. Recent research confirms what most of us know from our own school experiences--that what most determines whether students learn is not their family backgrounds or the dollars spent per pupil, but the talents and abilities of their teachers. Everyone rightly honors the men and women serving in and around the Balkans today as patriots. I believe we as a nation must learn to honor teachers as patriots, too.

Andy Baumgartner is a patriot in both senses. He spent two years in the U.S. Marines, and the inner confidence, self-motivation and sheer physical stamina he gained at Paris Island and Camp LeJune have been surprisingly useful in the classroom. Colleagues marvel at the way he rivets the attention of his kindergarten students by keeping himself in constant creative motion. One minute he is using popcorn and M&Ms to teach counting. The next he is conducting a sing-along to "This Land is Your Land." A few minutes later he is marching the class up the hill behind school to conduct a solemn funeral for a departed pet tarantula named Legs.

The father of a son with a learning disability, Andy knows first hand the struggle many parents go through to get the individual attention their children need, and he works hard to give that kind of attention to all of his students. When not teaching, Andy can be found directing 4th and 5th graders in the school play, teaching other educators, writing guidebooks for parents, working in community theater, and participating actively in his church. Andy is an example of the kind of vital, active American citizen Tocqueville marveled at.

If Tocqueville were alive today, I think he would agree that America desperately needs more people like Andy Baumgartner in the classroom. There are 53 million children in our public schools---the greatest number ever---and they come from more diverse backgrounds than at any time since the turn of the century. With enrollments growing and a wave of teacher retirements about to hit, America's schools will have to hire 2 million more teachers over the next decade. At the same time, we are trying to bring down class sizes, and that requires more teachers. And those new teachers must be better trained. A quarter of all secondary school teachers today do not have college majors--or even minors--in the subjects they are teaching, and this deficit is worse in low-income neighborhood schools where the need is greatest.

These are enormous challenges. But I believe we can meet them if we act now, while our nation is strong, our economy prosperous, and our people confident.

We must begin by fighting the snobbery that too often surrounds popular attitudes toward teaching. When young people with college degrees would rather take unpaid internships at advertising agencies than even consider paid jobs as public school teachers, we know we have work to do.

That said, we must also raise teachers salaries. An MBA graduate

can expect twice the starting salary as someone with a masters degree in teaching. That is wrong.

President cannot control teachers salaries. That is up to governors and local school boards. But the federal government does have a role to play in addressing our need for more and better teachers, and my education agenda does that in four ways.

First, the balanced budget I submitted earlier this year calls for finishing the job Congress started last year, of hiring 100,000 new, highly-trained teachers to reduce class sizes in the early grades. Tk tk on ed flex

Second, my balanced budget would redouble our efforts to attract our best and brightest Americans into the teaching profession. It calls for investing \$35 million to provide 7000 thousand college scholarships for our brightest young people who commit to teaching where they can do the most good: in our poorest inner city and rural schools. That is over five times the investment Congress made for these kinds of scholarships last year. It also calls on Congress to invest \$10 million to train 1000 Native Americans to teach on Indian reservations and in other public schools with large Native American enrollments. And it calls for investing \$18 million to recruit and train retired members of the U.S. military to become teachers, through our Troops for Teachers program. America's 25 million veterans represent a vast pool of potential teachers, and Andy Baumgartner is proof positive that soldiers make great teachers. Let's make it easier for those who have been heros abroad to be heros here at home.

Third, I believe the best way to recruit more people into teaching is to make schools into places where more people want to work. There are thousands and thousands of idealistic Americans, young and not so young, who would be willing to teach in the public schools--if they thought they could make a difference. But they don't want to waste their lives in a system they believe is deadeningly bureaucratic, with low expectations, little discipline, and no accountability.

To paraphrase the movie Field of Dreams, "Fix it, and they will come." If we take solid steps to fix our schools, more of the best will want to teach there, and a positive cycle of reform will soon take over. That is why my Educational Accountability Act, which I will soon be sending to Congress, is so important. Under this Act, all states and school districts receiving federal funds must end social promotion; must adopt and enforce strict discipline codes; must give parents report cards on their children's schools; and must turn around their worst-performing schools-or shut them down.

Finally, all states and school districts will be held accountable for the quality of their teachers. That means that all new teachers must be required to pass performance exams, and all teachers should know the subjects they're teaching.

If we take these steps, we can bring more people like Andy Baumgartner into our schools. That will make the job of picking Teacher of the Year even harder than it is now, but it will be worth it.

When President Truman presented this award the first time back in 1952, he noted that "next to a child's mother, the greatest influence on his growth into a good citizen is his teacher." In his plain-spoken Missouri way, the President was repeating the observation of Henry Adams,

who said that "a teacher affects eternity; he can never tell where his influence--or her influence--stops." Andy, today America honors you, and all teachers, for your immeasurable influence.

###

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Eric S. Angel (CN=Eric S. Angel/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-APR-1999 15:50:36.00

SUBJECT: Re:

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

TEXT:

Your email was empty.

-- Eric

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 15:56:50.00

SUBJECT: POTUS on Welfare and Crime from San Francisco

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

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

TO: Elena Kagan (CN=Elena Kagan/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: J. Eric Gould (CN=J. Eric Gould/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:

Q I'm the only resident from Vancouver, Washington, standing here, so -- (laughter.) Mr. President, my question has two parts. The first is, as you near the end of your second term in office and deal with such issues as the Balkans, what legacy do you believe you are leaving to the American public? Secondly, would you be specific, sir, in telling us ways in which America is better off for your presidency?

THE PRESIDENT: Well, I think, first of all -- let me answer the first question first. I think others will determine the legacy of this administration, and most of it will have to be done when all the records are there and time passes and people without an axe to grind one way or the other have a chance to have their say.

I can only tell you what I have tried to do. I have tried to lead America into a new century and into a whole new era in the way we work and live and relate to each other and the rest of the world. And I have tried to help build a world that was more peaceful, more prosperous and more secure.

I think that among the things that people will say this administration did and made progress on was, we gave the United States a modern economic policy and got out of 12 years of horrible deficit spending during which we quadrupled the debt. I think that the work we did to support the solution of social problems in reducing the welfare rolls by half, and reducing the crime rate, and putting 100,000 police on the street would be important. I think the work we did in education will be important.

I think the systematic effort we made to promote reconciliation among people of different racial groups will be important. I think the work we have done in the Middle East to Northern Ireland promoting peace will be important. I think the work we've done in Latin America, through the summit of the Americas, and the work we've done with our other allies in Central America will be important. I think there are a lot of things that will altogether add up to preparing America for the 21st century, building a stronger American community and repairing the social fabric.

And let me just say one thing. When I got off the airplane today there were a bunch of young people who are AmeriCorps volunteers. That's a program we started back in the second year of my presidency. And one young woman said to me, I'm 30 years old, you're the first President I ever voted for. I've kept up, you did what you said you'd do and it's worked. And her saying that to me meant more than just about anything any American could say.

When I was in New Hampshire for the 7th anniversary of the New Hampshire primary, there were schoolchildren along the highway waiting in the cold rain. And person after person said to me, you had to come to these little town meetings in 1991 and we listened to you and you've done what you said.

So what I think what will also happen is people will see Americans can solve their problems; government has a role to play and it can produce. So I think there's a sense of possibility, a sense of optimism, a sense of eagerness about the future that the present difficulties in Kosovo cannot begin to overshadow. And I think the country is clearly better off than it was six years ago.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 15:58:15.00

SUBJECT: FYI Tobacco & NGA

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

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

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

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

TEXT:

Note from IGA

Bruce I've tried to reach Bryant Hall, given your conversation with Sen
Graham, but have not heard back yet.

----- Forwarded by Cynthia A. Rice/OPD/EOP on 04/16/99
01:51 PM -----

William H. White Jr.

04/16/99 01:25:04 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP, J. Eric Gould/OPD/EOP
cc: Fred DuVal/WHO/EOP, Todd A. Bledsoe/WHO/EOP
Subject: FYI Tobacco & NGA

From IGA's weekly report to POTUS.

TOBACCO

The NGA is aggressively lobbying to pass tobacco recoupment prevention legislation and has scheduled a press conference on Monday, April 19th with Senator Hutchison, Governor Rowland (R-CT), and representatives from the National Association of Attorneys General (NAAG) and the National Conference of State Legislatures (NCSL). At the press conference, they will release a 53 governor NGA letter, a 50 Attorney General letter, and a NCSL leadership letter.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: David R. Goodfriend (CN=David R. Goodfriend/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:16-APR-1999 16:10:33.00

SUBJECT: President's Trip to Austin and Houston

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

On Wednesday, April 21, the President will travel to Austin to attend the Bergstrom International Airport Barbara Jordan Terminal opening and to attend a DNC luncheon. He then will travel to Houston to attend a DNC

dinner. Deadlines for the Trip Book are as follows:

Background Memos (TX): DUE MONDAY, APRIL 19, 6:00 P.M.

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

Event Memos: DUE TUESDAY, APRIL 20, 6:00 P.M.

- Barbara Jordan Terminal opening
- DNC Luncheon
- DNC Dinner

If you have any questions, please e-mail or call me (6-2702). Thanks.

--David Goodfriend

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 16:41:19.00

SUBJECT: LRM MNB49 - - REVISED EDUCATION Draft Bill on College Completion Challenge

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Jennifer S. Kron (CN=Jennifer S. Kron/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

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

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

TEXT:
LRM ID: MNB49
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Friday, April 16, 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 EDUCATION Draft Bill on College Completion
Challenge Grant Program

DEADLINE: 2 p.m. Tuesday, April 20, 1999
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:

DISTRIBUTION LIST

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

EOP:
Barbara Chow
Sandra Yamin
Barry White
Wayne Upshaw
Jennifer S. Kron
Leslie S. Mustain
Jonathan H. Schnur
Tanya E. Martin
Elena Kagan
William H. White Jr.
Peter Rundlet
Robert G. Damus
Rosalyn J. Rettman
Pamula L. Simms
Howard Dendurent

Daniel J. Chenok
Daniel I. Werfel
James J. Jukes
Janet R. Forsgren
Constance J. Bowers
LRM ID: MNB49 SUBJECT: REVISED EDUCATION Draft Bill on College
Completion Challenge Grant Program
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

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

You may also respond by:

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

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

TO: 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: _____
- _____ FAX RETURN of _____ pages, attached to this response sheet

- cccg416.doc
 - spklt416.doc
 - sbscccg.doc===== ATTACHMENT 1 =====
 ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D61]ARMS22742242P.136 to ASCII,

A BILL

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

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

PROGRAM AUTHORIZED

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

"CHAPTER 4--COLLEGE COMPLETION CHALLENGE GRANT
PROGRAM

"FINDINGS

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

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

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

"(3) This lack of persistence to completion of a baccalaureate degree continues to contribute to the gap in educational attainment and ultimate income levels

between disadvantaged students and their more affluent classmates.

"(4) While the focus of Federal student financial assistance and higher education programs has traditionally been to ensure access to postsecondary education, the Federal Government should expand its role in student financial assistance programs for postsecondary education to address this lack of persistence to baccalaureate degree completion.

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

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

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

"(B) a low grade point average.

"(C) working full-time while enrolled.

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

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

"(7) Most students, particularly those at the greatest risk of leaving their programs of study without a baccalaureate degree, leave during the first two years of study.

"(8) At-risk students that receive targeted support services persist to degree completion at higher rates than at-risk students who do not receive such services.

"(9) Educators interested in student retention have long viewed intensive summer programs for incoming first-year students as very important in helping students

from disadvantaged backgrounds become acclimated to college life and in improving retention.

"PURPOSE AND PROGRAM AUTHORITY

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

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

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

"INSTITUTIONAL ELIGIBILITY

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

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

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

"(b) LIMITATIONS.--

"(1) ASSOCIATE DEGREE-GRANTING INSTITUTIONS.--An eligible applicant that awards only associate degrees may apply for a grant under this chapter

03/10/109:01 AM WORKING DRAFT--NOT CLEARED BY ED OR OMB

only as part of a consortium that includes one or more institutions of higher education that awards baccalaureate degrees.

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

"APPLICATION PROCESS

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

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

"(b) MATCHING REQUIREMENT.--(1) IN GENERAL.--The Federal share of the cost of programs assisted under this chapter shall not be more than 50 percent, and the matching funds shall be from non-Federal sources.

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

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

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

"USE OF FUNDS

"Sec. 408E. AUTHORIZED ACTIVITIES.--(a) IN GENERAL.--An eligible institution that receives a grant under this chapter shall, except as provided in subsection (b), use the grant to provide services or assistance to students at risk of leaving their programs of study without baccalaureate degrees, particularly economically disadvantaged students, by carrying out one or more of the following:

"(1) Implementing an intensive summer program for incoming first-year students (or students entering their second or third year of postsecondary education if the institution can demonstrate that it is addressing the needs of first-year students and that a summer program could help retention of second- or third-year students at risk of dropping out), provided that the institution demonstrates in its application that it has a strong commitment to student retention through additional activities.

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

"(A) peer tutoring;

"(B) mentoring programs involving faculty or upper class students;

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

"(D) activities to assist students in securing admission and

financial assistance for enrollment in graduate and professional programs;

"(E) assistance in course selection; and

"(F) cultural events.

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

"(b) SPECIAL RULE.--A recipient of a grant under this chapter may serve students who have completed their first two years of college if it can demonstrate, on a case by case basis, that these students are at high risk of dropping out, and that it has already met the needs of its first- and second-year students.

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

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

"RELATION TO OTHER STUDENT FINANCIAL ASSISTANCE

"Sec. 408F. RELATION TO OTHER FINANCIAL ASSISTANCE.--A grant provided to a student by an eligible institution from an award made under this chapter

03/10/109:01 AM WORKING DRAFT--NOT CLEARED BY ED OR OMB

shall not be considered in determining that student's need for grant or work assistance under this title, except that in no case shall the total amount of student financial assistance awarded to a student under this title exceed that student's cost of attendance, as defined by section 472.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 408G. AUTHORIZATION OF APPROPRIATIONS.—(a) IN GENERAL.--

There are authorized to be appropriated to carry out this chapter \$35,000,000 for fiscal year 2000, and such sums as may be necessary for each of the 4 succeeding fiscal years.

"(b) SPECIAL RULE.-- From the amounts appropriated under subsection (a) for any fiscal year, the Secretary may reserve up to 1 percent of such amount for that fiscal year in order to carry out an evaluation of the program authorized by this chapter."

EFFECTIVE DATE

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

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

TEXT:

```
{\rtf1\ansi\ansicpg1252\uc1 \deff0\deflang1033\deflangfe1033{\fonttbl{\f0\froman
n\fcharset0\fprq2{\*\panose 02020603050405020304}Times New Roman{\*\falt Times
New Roman};}}{\colortbl;\red0\green0\blue0;\red0\green0\blue255;\red0\green255\
blue255;\red0\green255\blue0;\red255\green0\blue255;\red255\green0\blue0;\red25
5\green255\blue0;\red255\green255\blue255;\red0\green0\blue128;\red0\green128\b
lue128;\red0\green128\blue0;\red128\green0\blue128;\red128\green0\blue0;\red128
\green128\blue0;\red128\green128\blue128;\red192\green192\blue192;}}{\stylesheet
{\nowidctlpar\adjustright \fs20 \snext0 Normal;}}{\*\cs10 \additive Default Para
graph Font;}}{\s15\nowidctlpar\adjustright \sbasedon0 \snext15 endnote text;}}{\*
\cs16 \additive \super \sbasedon10 endnote reference;}}{\s17\nowidctlpar\adjustr
ight \sbasedon0 \snext17 footnote text;}}{\*\cs18 \additive \super \sbasedon10 f
ootnote reference;}}{\s19\fi-720\li720\ri720\sb480\nowidctlpar\tqr\tldot\tx9360\
hyphpar0\adjustright \fs20 \sbasedon0 \snext0 \sautoupd toc 1;}}{\s20\fi-720\li1
440\ri720\nowidctlpar\tqr\tldot\tx9360\hyphpar0\adjustright \fs20 \sbasedon0 \s
next0 \sautoupd toc 2;}}{\s21\fi-720\li2160\ri720\nowidctlpar\tqr\tldot\tx9360\h
yphpar0\adjustright \fs20 \sbasedon0 \snext0 \sautoupd toc 3;}}{\s22\fi-720\li28
80\ri720\nowidctlpar\tqr\tldot\tx9360\hyphpar0\adjustright \fs20 \sbasedon0 \sn
ext0 \sautoupd toc 4;}}{\s23\fi-720\li3600\ri720\nowidctlpar\tqr\tldot\tx9360\h
yphpar0\adjustright \fs20 \sbasedon0 \snext0 \sautoupd toc 5;}}{\s24\fi-720\li720
\nowidctlpar\tqr\tx9360\hyphpar0\adjustright \fs20 \sbasedon0 \snext0 \sautoupd
toc 6;}}{\s25\fi-720\li720\nowidctlpar\hyphpar0\adjustright \fs20 \sbasedon0 \s
next0 \sautoupd toc 7;}}{\s26\fi-720\li720\nowidctlpar\tqr\tx9360\hyphpar0\adjus
tright \fs20 \sbasedon0 \snext0 \sautoupd toc 8;}}{\s27\fi-720\li720\nowidctlpar
\tqr\tldot\tx9360\hyphpar0\adjustright \fs20 \sbasedon0 \snext0 \sautoupd toc 9
;}}{\s28\fi-1440\li1440\ri720\nowidctlpar\tqr\tldot\tx9360\hyphpar0\adjustright
\fs20 \sbasedon0 \snext0 \sautoupd index 1;}}{\s29\fi-720\li1440\ri720\nowidctlp
ar\tqr\tldot\tx9360\hyphpar0\adjustright \fs20 \sbasedon0 \snext0 \sautoupd ind
ex 2;}}{\s30\nowidctlpar\tqr\tx9360\hyphpar0\adjustright \fs20 \sbasedon0 \snext
0 toa heading;}}{\s31\nowidctlpar\adjustright \sbasedon0 \snext0 caption;}}{\*\cs
32 \additive _Equation Caption;}}{\info{\title Dear Mr}{\author eglaserkoff}{\o
perator eglaserkoff}{\creatim\yr1999\mo4\dy16\hr16\min14}{\revtim\yr1999\mo4\dy
16\hr16\min14}{\printim\yr1999\mo4\dy16\hr15\min34}{\version2}{\edmins0}{\nofpa
ges2}{\nofwords851}{\nofchars4855}{\*\company U.S. Department of Education}{\no
fcharsws0}{\vern113}}{\widowctrl\ftnbnj\enddoc\hyphhotz877\aftnmar\notabind\wrap
trsp\nocolbal\sprslnsp\lytprtmet\hyphcaps0\viewkind4\viewscale100 \fet0{\*\ftns
ep \pard\plain \nowidctlpar\adjustright \fs20 {\fs24 \chftnsep }}
\par }}{\*\aftnsep \pard\plain \sl-20\slmult0\nowidctlpar\adjustright \fs20 {\f
s24
\par }}{\*\aftnsepc \pard\plain \nowidctlpar\adjustright \fs20 {\fs24 }}
\par }}{\*\aftncn \pard\plain \nowidctlpar\adjustright \fs20 {\fs24 }}
\par }}\sectd \pgnrestart\linex0\headery1440\footery1440\sectdefaultcl {\*\pnse
clvl1\pnucrm\pnstart1 {\pntxta .}}{\*\pnseclvl2\pnucltr\pnstart1 {\pntxta .}}{\*
\pnseclvl3\pndec\pnstart1 {\pntxta .}}{\*\pnseclvl4\pnlcltr\pnstart1 {\pntxta
.}}{\*\pnseclvl5\pndec\pnstart1 {\pntxtb ({\pntxta })}}{\*\pnseclvl6\pnlcltr\pn
start1 {\pntxtb ({\pntxta })}}{\*\pnseclvl7\pnlcrm\pnstart1 {\pntxta }}{\*\pns
eclvl8\pnlcltr\pnstart1 {\pntxta }}{\*\pnseclvl9\pnlcrm\pnstart1\pnindent720\p
nhang{\pntxtb ({\pntxta })}}\pard\plain \nowidctlpar\hyphpar0\adjustright \fs20
{\fs24
\par
\par Dear Mr. Speaker:}}{\field{\*\fldinst {\fs24 PRIVATE }}{\*\datafield \bin28
☐phoenix}}{\fldrslt }}{\fs24
\par
\par I am pleased to submit for your consideration the "College Completion Chal
lenge Grant Act of 1999", a legislative proposal that would assist institutions
of higher education to expand their efforts}{\b\fs24 }{\fs24 to increase the
rate at which low-income and other at-risk students complete baccalaureate degr
ee programs.
```

\par

\par Students from low-income families are significantly more likely to leave a 4-year institution of higher education without a baccalaureate degree than are students from families with higher incomes. Only 44 percent of students from low-income families who were enrolled full-time during their first year of college complete a baccalaureate degree within five years. This completion rate is 24 percentage points lower than the 68 percent completion rate among students from upper-income families.

\par

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

\par

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

\par

\par

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

\par

\par Since low-income and at-risk students are most likely to leave a program of postsecondary education during the first two years, an institution would generally be required to focus

services and assistance on students in their first two years of postsecondary education. Although this program would require institutions to target students in their first two years of postsecondary education, an institution could serve students who have completed their first two years if it could demonstrate, on a case-by-case basis, that these students are at high risk of leaving without their baccalaureate degrees, and that it has already met the needs of its first- and second-year students.

\par

\par This legislative proposal would help to eliminate the discrepancy that currently exists in baccalaureate degree attainment rates for students of low- and high-income families by supporting the specific activities that research has shown to improve student retention for students at-risk of leaving a 4-year institution without a baccalaureate degree. It would build on the successes of TRIO's Student Support Services Program under section 402D of title IV of the Higher Education Act and student financial assistance programs by combining selected elements of each and narrowly focusing that combination of services and assistance on at-risk students in the early years of postsecondary education. It would also build on the successes of the participating institutions, requiring institutions to demonstrate a prior successful commitment to helping low-income and other at-risk students stay in school until they complete their baccalaureate degrees. I urge the speedy enactment of the "College Completion Challenge Grant Act of 1999" by Congress. It would help to ensure that all Americans not only have access to postsecondary education, but also the support necessary to ensure that they complete that education and receive their degrees.

\par

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

\par \tab \tab \tab \tab \tab \tab Yours sincerely,

\par

\par

\par

\par \tab \tab \tab \tab \tab \tab Richard W. Riley

\par

\par

\par }}

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

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

Proposed new section 408A of the Act would set out the Congressional findings for the new chapter. Students from low-income families are significantly more likely to leave a 4-year institution of higher education without a baccalaureate degree than are students with higher incomes. Specifically, the baccalaureate degree attainment rate for full-time students from families from the bottom income quartile was 23.9 percentage points less than the rate for full-time students from families from the top income quartile (44.5% vs. 68.4%).

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

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

Further, most students, particularly those at the greatest risk of leaving their programs of study without a baccalaureate degree, leave during the first two years of study. Nearly half of all low-income students will have dropped out of

03/10/109:01 AM DRAFT--NOT CLEARED BY ED OR OMB

their programs of study by the end of the second year, as compared to only 27 percent of higher income students.

Additionally, at-risk students that receive targeted support services persist to degree completion at higher rates than do at-risk students who do not receive such services. The Department's on-going evaluation of the Student Support Services program has shown that support services do make a significant difference on three separate student outcomes - grades, credits earned and retention. The effects, although not large, usually persist over three years. Students' grade point averages were increased by a mean of 0.15 in the first year, 0.11 in the second year, and 0.11 in the first three years combined. The number of credits earned was increased by a mean of 1.25 in first year, 0.79 in the second year, 0.71 in the third year, and 2.25 in the first three years combined. Retention at the same institution to the second year was increased by 7 percent, and by 9 percent for retention to the third year. Retention to the third year at any institution of higher education was increased by 3 percent. These results could be improved by combining these kinds of services with the other services that would be offered by this program.

Finally, educators interested in student retention have long viewed intensive summer programs for incoming first-year students as very important in helping students from disadvantaged backgrounds become acclimated to college life and in improving retention. This program would provide, at the most valuable time, the kinds of services most likely to achieve retention for those students most at risk of leaving their programs of study without their baccalaureate degrees.

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

Proposed new section 408C of the Act would establish the institutional eligibility requirements for receiving a grant under this chapter. Section 408C(a) would provide that eligible applicants for grants under this chapter would be institutions of higher education that meet the requirements of section 102 of the Act, the definition of an institution of higher education used for purposes of title IV, and that award baccalaureate or associate degrees. An institution that

03/10/109:01 AM DRAFT--NOT CLEARED BY ED OR OMB

awards only associate degrees, however, could apply for a grant under this chapter only if it applied as part of a consortium that included one or more institutions of higher education that awarded baccalaureate degrees. Proposed new section 408C would also establish the requirement that an institution that receives a grant under this chapter may receive no more than two such grants.

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

Proposed new section 408D(b) would describe the matching requirement for institutions that receive a grant under this chapter. Proposed new section 408D(b)(1) provides that the Federal share of the cost of the program must be not more than 50%, and the matching funds must be from non-Federal sources. However, the Secretary intends to use his authority under section 395 of the Act to waive this matching requirement for institutions eligible for assistance under Part A or B of title III, and under section 515 of the Act to waive the matching requirement for institutions eligible for assistance under title V—Historically Black Colleges and Universities, Hispanic-serving institutions, and other institutions of higher education that have relatively low educational and general expenditures and serve low-income students. The Secretary also intends to regulate on the matching requirement, as it would apply to a consortium of institutions in which only some of the institutions would be eligible for the waiver of the matching requirement.

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

Proposed new section 408E of the Act details the authorized uses of funds received under this chapter. Proposed new section 408E(a) would require

03/10/109:01 AM DRAFT--NOT CLEARED BY ED OR OMB

an institution, except as provided in subsection (b), to use a grant to provide services or assistance to students at risk of leaving their programs of study without baccalaureate degrees, particularly economically disadvantaged students to carry out one or more of three types of allowable activities. The three types of activities for which institutions could use funds received under this chapter would be: intensive summer programs, student support services, and grants for students. While summer intensive programs have been shown to be effective in increasing student persistence, they are only effective when the institution is committed to student retention. Therefore, institutions could implement an intensive summer program for incoming first-year students, (or students entering their second or third year of postsecondary education if the institution can demonstrate that it is addressing the needs of its first-year students and that a summer program could help retention of second- or third-year students at risk of dropping out), but could do so only if they could demonstrate a strong commitment to student retention through other activities.

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

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

Although this program would require institutions to target services to students in their first two years of postsecondary education, proposed new section 408E(b) would allow an institution to serve students who have completed their first two years only if it could demonstrate, on a case-by-case basis, that these students are at high risk of leaving their programs of study without baccalaureate degrees, and that it has already met the needs of its first- and second-year students. While most students leave during the first two years of study, some do leave during the subsequent years. For example, many students fail to make the transition from a 2-year institution to a 4-year institution. This

03/10/109:01 AM DRAFT--NOT CLEARED BY ED OR OMB

program could allow institutions to provide services to those students even after completing two years of postsecondary education.

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

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

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

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

DRAFT

April 16, 1999

MEMORANDUM FOR THE PRESIDENT

FROM:

SUBJECT: Update on Requirement for Ending Social Promotion in ESEA

A central feature of the Education Accountability Act you announced in the State of the Union is a requirement that schools end social promotion. In our draft ESEA proposal, this has been operationalized as a requirement that states and school district receiving ESEA funds phase in promotion standards, at key transition points at the elementary, middle and high school level, over four years from the enactment of ESEA.

We have encountered stiff opposition from the civil rights community to this proposal. Both DPC and Secretary Riley have had a series of meetings over the past few weeks with Wade Henderson and others in the Leadership Conference for Civil Rights, Hugh Price, and Marion Wright Edelman. While there are some nuanced differences in their views, in general they unanimously oppose a requirement to end social promotion on four grounds. First, they believe it will lead to an increase in retention rates among disadvantaged students, resulting in increased drop out rates and lower achievement. Second, they believe it is unfair to hold students accountable for their performance, until school systems provide greater opportunities to learn for the most disadvantaged students, an objective many school systems will not fully reach within four years. Third, they distrust that we will be able to enforce other provisions in ESEA that must be in place in order for a promotion policy to work, such as requirements that states and districts provide qualified teachers, early intervention and extra help to students who need it. As a result, they fear this policy will encourage and speed the implementation of promotion policies without the necessary supports. Finally, they argue that if states and local communities in fact do provide students with the necessary support, students would meet state academic standards and the practice of social promotion would effectively be ended, thereby obviating the need for a policy to end it.

The civil rights community otherwise strongly supports our ESEA proposal, but is prepared to launch a major attack on our social promotion requirement. They are very likely to gain strong support from the majority of the Congressional Black and Hispanic Caucuses, and could easily recreate the left-right political coalition that successfully opposed our national test proposal. If we transmit a proposal that is strongly opposed by the civil rights groups, we will make it very difficult for Rep. Clay and Senator Kennedy to introduce our proposal. This dynamic will make it impossible to unite Democrats behind our overall ESEA proposal and, as a result, this Congress may be less likely to pass a version of ESEA that reflects our priorities, or even to pass one at all.

We have been working to find a compromise proposal that would respond to the legitimate concerns of the civil rights groups while remaining true to the intent of your State of the Union announcement. Our objective is to find a solution that will reduce the objections of the civil rights groups and convince Kennedy and Clay that we have made reasonable compromises that merit their support, even if the civil rights groups do not support it.

At Secretary Riley's request, Senator Kennedy is working over the next several days to help us find a middle ground with the civil rights groups. We are working with his staff to pursue the options described below as possible grounds for a compromise proposal:

Option 1: Focus Promotion Requirement on Reading in the Early Grades

This approach focuses only one of the three transition points, and emphasizes the implementation of a comprehensive approach to preparing students to meet promotion standards.

Fourth Grade Promotion Standard: States and school districts would be required to ensure that students are proficient in reading at a key point in elementary school, most likely before being promoted to 4th grade. As in our original policy, this option would require States to put in place promotion policies aligned to State standards, use multiple measures to determine promotion, and require school districts to put supports in place such as early intervention, smaller class-sizes, qualified teachers, and extended learning time. Districts would be required to establish a policy to end social promotion in elementary school and fully implement the support strategies and policy within four years.

Strengthened Accountability for Schools: We would also strengthen the school accountability requirements by requiring school report cards to include data on student retention rates in addition to student achievement. We would need to figure out a way to determine social promotion rates (since no state or district would admit to the practice), most likely by looking at the percent of students at a grade level performing below a basic standard of proficiency and assuming that these students have been promoted without meeting standards. Those schools with high retention rates and/or social promotion rates (if we can overcome the measurement challenges) would be subject to State intervention.

Development of Alternatives to Retention: Further, we would incorporate a new demonstration program, which would begin in the first year after enactment, to help high poverty districts develop and demonstrate effective alternatives to both retention and social promotion. For example, Boston is creating a transition program for students who have not met the 4th grade promotion requirements, through an 18 month program that involves summer school, intensive help during the next school year to help students catch up and begin 5th grade work, additional summer school and then reintegration into their original cohort in the 6th grade. This demonstration program would help develop, evaluate and disseminate other models for use at the elementary, middle and high school level.

This more focused approach reflects and builds on the investments we have been making to strengthen learning opportunities in the early grades, including class size reduction, teacher training and tutoring for early reading, expanded investments in Head Start, and after-school programs. A growing number of states and districts are implementing their own early reading initiatives. Consequently, the timetable for phasing in supports and promotion requirements in four years is more feasible at the early grades than in higher grades.

Option 2: Delay Implementation of Promotion Requirements

This approach would retain a requirement that states adopt promotion requirements in key transition points at the elementary, middle and high school levels, but it would delay implementation. Instead of requiring that promotion standards be implemented within four years, we would require that states adopt policies to end social promotion within four years, while the implementation of the promotion standards themselves would be phased in over an additional 2-3 years. This additional time would better enable states and districts to phase in the supports that students need. In particular, it would enable states to first meet our requirement to phase out the use of unqualified teachers (within four years) and then phase in the promotion standards over several additional years. We could even consider more directly addressing the civil rights groups concern that inputs and supports must precede accountability for students by explicitly making required implementation of the promotion standards contingent on first meeting the requirement to phase out the use of unqualified teachers,

This approach could also be coupled with the additional school accountability and demonstration provisions in Option 1.

Option 3: Focus on Performance Instead of Policy

The fundamental approach here is to "end social promotion" by rewarding those states that effectively reduce the incidence of social promotion and retention, and sanction those states that increase the frequency of either or both of these practices. Instead of requiring states to adopt promotion policies, we would require them to collect data and report on retention rates, promotion rates, and academic performance. As indicated above, we would need to figure out a way to determine social promotion rates (since no state or district would admit to the practice), most likely by looking at the percent of students at a grade level

performing below a basic standard of proficiency, and assuming that these are students who have been promoted without meeting standards. Once establishing a baseline of retention and social promotion rates for each state, we would provide financial rewards to those that increased on-time promotion and reduced retention rates, and financial sanctions to those that increase retention and or social promotion.

This approach could also be coupled with the additional school accountability and demonstration provisions in Option 1. Because this options does not directly require students to meet promotion standards, it is likely to be the one most acceptable to the civil rights groups (and had initially been raised by them). However, the measurement issues it poses are novel and complex, and we have some concerns about the technical feasibility of this approach.

We are tentatively scheduled to meet with Kennedy's staff and representatives of the civil rights groups early next week, and will continue to work through that process as long as it holds the promise of reaching an acceptable compromise. However, if we are unable to convince Kennedy and Clay to support a proposal based on one of these options, we believe we will then face a difficult choice. We will either have to send up two bills, our ESEA proposal that Kennedy and Clay can introduce and Democrats can rally around, as well as a separate bill with the social promotion requirement. Alternatively, we would have to drop any effort to require an end to social promotion, and instead use your bully pulpit to encourage the trend already underway at the state and local level.

DRAFT

April 16, 1999

MEMORANDUM FOR THE PRESIDENT

FROM:

SUBJECT: Update on Requirement for Ending Social Promotion in ESEA

A central feature of the Education Accountability Act you announced in the State of the Union is a requirement that schools end social promotion. In our draft ESEA proposal, this has been operationalized as a requirement that states and school district receiving ESEA funds phase in promotion standards, at key transition points at the elementary, middle and high school level, over four years from the enactment of ESEA.

We have encountered stiff opposition from the civil rights community to this proposal. Both DPC and Secretary Riley have had a series of meetings over the past few weeks with Wade Henderson and others in the Leadership Conference for Civil Rights, Hugh Price, and Marion Wright Edelman. While there are some nuanced differences in their views, in general they unanimously oppose a requirement to end social promotion on four grounds. First, they believe it will lead to an increase in retention rates among disadvantaged students, resulting in increased drop out rates and lower achievement. Second, they believe it is unfair to hold students accountable for their performance, until school systems provide greater opportunities to learn for the most disadvantaged students, an objective many school systems will not fully reach within four years. Third, they distrust that we will be able to enforce other provisions in ESEA that must be in place in order for a promotion policy to work, such as requirements that states and districts provide qualified teachers, early intervention and extra help to students who need it. As a result, they fear this policy will encourage and speed the implementation of promotion policies without the necessary supports. Finally, they argue that if states and local communities in fact do provide students with the necessary support, students would meet state academic standards and the practice of social promotion would effectively be ended, thereby obviating the need for a policy to end it.

The civil rights community otherwise strongly supports our ESEA proposal, but is prepared to launch a major attack on our social promotion requirement. They are very likely to gain strong support from the majority of the Congressional Black and Hispanic Caucuses, and could easily recreate the left-right political coalition that successfully opposed our national test proposal. If we transmit a proposal that is strongly opposed by the civil rights groups, we will make it very difficult for Rep. Clay and Senator Kennedy to introduce our proposal. This dynamic will make it impossible to unite Democrats behind our overall ESEA proposal and, as a result, this Congress may be less likely to pass a version of ESEA that reflects our priorities, or even to pass one at all.

We have been working to find a compromise proposal that would respond to the legitimate concerns of the civil rights groups while remaining true to the intent of your State of the Union announcement. Our objective is to find a solution that will reduce the objections of the civil rights groups and convince Kennedy and Clay that we have made reasonable compromises that merit their support, even if the civil rights groups do not support it.

At Secretary Riley's request, Senator Kennedy is working over the next several days to help us find a middle ground with the civil rights groups. We are working with his staff to pursue the options described below as possible grounds for a compromise proposal:

Option 1: Focus Promotion Requirement on Reading in the Early Grades

This approach focuses only one of the three transition points, and emphasizes the implementation of a comprehensive approach to preparing students to meet promotion standards.

Fourth Grade Promotion Standard: States and school districts would be required to ensure that students are proficient in reading at a key point in elementary school, most likely before being promoted to 4th grade. As in our original policy, this option would require States to put in place promotion policies aligned to State standards, use multiple measures to determine promotion, and require school districts to put supports in place such as early intervention, smaller class-sizes, qualified teachers, and extended learning time. Districts would be required to establish a policy to end social promotion in elementary school and fully implement the support strategies and policy within four years.

Strengthened Accountability for Schools: We would also strengthen the school accountability requirements by requiring school report cards to include data on student retention rates in addition to student achievement. We would need to figure out a way to determine social promotion rates (since no state or district would admit to the practice), most likely by looking at the percent of students at a grade level performing below a basic standard of proficiency and assuming that these students have been promoted without meeting standards. Those schools with high retention rates and/or social promotion rates (if we can overcome the measurement challenges) would be subject to State intervention.

Development of Alternatives to Retention: Further, we would incorporate a new demonstration program, which would begin in the first year after enactment, to help high poverty districts develop and demonstrate effective alternatives to both retention and social promotion. For example, Boston is creating a transition program for students who have not met the 4th grade promotion requirements, through an 18 month program that involves summer school, intensive help during the next school year to help students catch up and begin 5th grade work, additional summer school and then reintegration into their original cohort in the 6th grade. This demonstration program would help develop, evaluate and disseminate other models for use at the elementary, middle and high school level.

This more focused approach reflects and builds on the investments we have been making to strengthen learning opportunities in the early grades, including class size reduction, teacher training and tutoring for early reading, expanded investments in Head Start, and after-school programs. A growing number of states and districts are implementing their own early reading initiatives. Consequently, the timetable for phasing in supports and promotion requirements in four years is more feasible at the early grades than in higher grades.

Option 2: Delay Implementation of Promotion Requirements

This approach would retain a requirement that states adopt promotion requirements in key transition points at the elementary, middle and high school levels, but it would delay implementation. Instead of requiring that promotion standards be implemented within four years, we would require that states adopt policies to end social promotion within four years, while the implementation of the promotion standards themselves would be phased in over an additional 2-3 years. This additional time would better enable states and districts to phase in the supports that students need. In particular, it would enable states to first meet our requirement to phase out the use of unqualified teachers (within four years) and then phase in the promotion standards over several additional years. We could even consider more directly addressing the civil rights groups concern that inputs and supports must precede accountability for students by explicitly making required implementation of the promotion standards contingent on first meeting the requirement to phase out the use of unqualified teachers,

This approach could also be coupled with the additional school accountability and demonstration provisions in Option 1.

Option 3: Focus on Performance Instead of Policy

The fundamental approach here is to "end social promotion" by rewarding those states that effectively reduce the incidence of social promotion and retention, and sanction those states that increase the frequency of either or both of these practices. Instead of requiring states to adopt promotion policies, we would require them to collect data and report on retention rates, promotion rates, and academic performance. As indicated above, we would need to figure out a way to determine social promotion rates (since no state or district would admit to the practice), most likely by looking at the percent of students at a grade level

performing below a basic standard of proficiency, and assuming that these are students who have been promoted without meeting standards. Once establishing a baseline of retention and social promotion rates for each state, we would provide financial rewards to those that increased on-time promotion and reduced retention rates, and financial sanctions to those that increase retention and or social promotion.

This approach could also be coupled with the additional school accountability and demonstration provisions in Option 1. Because this options does not directly require students to meet promotion standards, it is likely to be the one most acceptable to the civil rights groups (and had initially been raised by them). However, the measurement issues it poses are novel and complex, and we have some concerns about the technical feasibility of this approach.

We are tentatively scheduled to meet with Kennedy's staff and representatives of the civil rights groups early next week, and will continue to work through that process as long as it holds the promise of reaching an acceptable compromise. However, if we are unable to convince Kennedy and Clay to support a proposal based on one of these options, we believe we will then face a difficult choice. We will either have to send up two bills, our ESEA proposal that Kennedy and Clay can introduce and Democrats can rally around, as well as a separate bill with the social promotion requirement. Alternatively, we would have to drop any effort to require an end to social promotion, and instead use your bully pulpit to encourage the trend already underway at the state and local level.

DRAFT

April 16, 1999

MEMORANDUM FOR THE PRESIDENT

FROM:

SUBJECT: Update on Requirement for Ending Social Promotion in ESEA

A central feature of the Education Accountability Act you announced in the State of the Union is a requirement that schools end social promotion. In our draft ESEA proposal, this has been operationalized as a requirement that states and school district receiving ESEA funds phase in promotion standards, at key transition points at the elementary, middle and high school level, over four years from the enactment of ESEA.

We have encountered stiff opposition from the civil rights community to this proposal. Both DPC and Secretary Riley have had a series of meetings over the past few weeks with Wade Henderson and others in the Leadership Conference for Civil Rights, Hugh Price, and Marion Wright Edelman. While there are some nuanced differences in their views, in general they unanimously oppose a requirement to end social promotion on four grounds. First, they believe it will lead to an increase in retention rates among disadvantaged students, resulting in increased drop out rates and lower achievement. Second, they believe it is unfair to hold students accountable for their performance, until school systems provide greater opportunities to learn for the most disadvantaged students, an objective many school systems will not fully reach within four years. Third, they distrust that we will be able to enforce other provisions in ESEA that must be in place in order for a promotion policy to work, such as requirements that states and districts provide qualified teachers, early intervention and extra help to students who need it. As a result, they fear this policy will encourage and speed the implementation of promotion policies without the necessary supports. Finally, they argue that if states and local communities in fact do provide students with the necessary support, students would meet state academic standards and the practice of social promotion would effectively be ended, thereby obviating the need for a policy to end it.

The civil rights community otherwise strongly supports our ESEA proposal, but is prepared to launch a major attack on our social promotion requirement. They are very likely to gain strong support from the majority of the Congressional Black and Hispanic Caucuses, and could easily recreate the left-right political coalition that successfully opposed our national test proposal. If we transmit a proposal that is strongly opposed by the civil rights groups, we will make it very difficult for Rep. Clay and Senator Kennedy to introduce our proposal. This dynamic will make it impossible to unite Democrats behind our overall ESEA proposal and, as a result, this Congress may be less likely to pass a version of ESEA that reflects our priorities, or even to pass one at all.

We have been working to find a compromise proposal that would respond to the legitimate concerns of the civil rights groups while remaining true to the intent of your State of the Union announcement. Our objective is to find a solution that will reduce the objections of the civil rights groups and convince Kennedy and Clay that we have made reasonable compromises that merit their support, even if the civil rights groups do not support it.

At Secretary Riley's request, Senator Kennedy is working over the next several days to help us find a middle ground with the civil rights groups. We are working with his staff to pursue the options described below as possible grounds for a compromise proposal:

Option 1: Focus Promotion Requirement on Reading in the Early Grades

This approach focuses only one of the three transition points, and emphasizes the implementation of a comprehensive approach to preparing students to meet promotion standards.

Fourth Grade Promotion Standard: States and school districts would be required to ensure that students are proficient in reading at a key point in elementary school, most likely before being promoted to 4th grade. As in our original policy, this option would require States to put in place promotion policies aligned to State standards, use multiple measures to determine promotion, and require school districts to put supports in place such as early intervention, smaller class-sizes, qualified teachers, and extended learning time. Districts would be required to establish a policy to end social promotion in elementary school and fully implement the support strategies and policy within four years.

Strengthened Accountability for Schools: We would also strengthen the school accountability requirements by requiring school report cards to include data on student retention rates in addition to student achievement. We would need to figure out a way to determine social promotion rates (since no state or district would admit to the practice), most likely by looking at the percent of students at a grade level performing below a basic standard of proficiency and assuming that these students have been promoted without meeting standards. Those schools with high retention rates and/or social promotion rates (if we can overcome the measurement challenges) would be subject to State intervention.

Development of Alternatives to Retention: Further, we would incorporate a new demonstration program, which would begin in the first year after enactment, to help high poverty districts develop and demonstrate effective alternatives to both retention and social promotion. For example, Boston is creating a transition program for students who have not met the 4th grade promotion requirements, through an 18 month program that involves summer school, intensive help during the next school year to help students catch up and begin 5th grade work, additional summer school and then reintegration into their original cohort in the 6th grade. This demonstration program would help develop, evaluate and disseminate other models for use at the elementary, middle and high school level.

This more focused approach reflects and builds on the investments we have been making to strengthen learning opportunities in the early grades, including class size reduction, teacher training and tutoring for early reading, expanded investments in Head Start, and after-school programs. A growing number of states and districts are implementing their own early reading initiatives. Consequently, the timetable for phasing in supports and promotion requirements in four years is more feasible at the early grades than in higher grades.

Option 2: Delay Implementation of Promotion Requirements

This approach would retain a requirement that states adopt promotion requirements in key transition points at the elementary, middle and high school levels, but it would delay implementation. Instead of requiring that promotion standards be implemented within four years, we would require that states adopt policies to end social promotion within four years, while the implementation of the promotion standards themselves would be phased in over an additional 2-3 years. This additional time would better enable states and districts to phase in the supports that students need. In particular, it would enable states to first meet our requirement to phase out the use of unqualified teachers (within four years) and then phase in the promotion standards over several additional years. We could even consider more directly addressing the civil rights groups concern that inputs and supports must precede accountability for students by explicitly making required implementation of the promotion standards contingent on first meeting the requirement to phase out the use of unqualified teachers,

This approach could also be coupled with the additional school accountability and demonstration provisions in Option 1.

Option 3: Focus on Performance Instead of Policy

The fundamental approach here is to "end social promotion" by rewarding those states that effectively reduce the incidence of social promotion and retention, and sanction those states that increase the frequency of either or both of these practices. Instead of requiring states to adopt promotion policies, we would require them to collect data and report on retention rates, promotion rates, and academic performance. As indicated above, we would need to figure out a way to determine social promotion rates (since no state or district would admit to the practice), most likely by looking at the percent of students at a grade level

performing below a basic standard of proficiency, and assuming that these are students who have been promoted without meeting standards. Once establishing a baseline of retention and social promotion rates for each state, we would provide financial rewards to those that increased on-time promotion and reduced retention rates, and financial sanctions to those that increase retention and or social promotion.

This approach could also be coupled with the additional school accountability and demonstration provisions in Option 1. Because this options does not directly require students to meet promotion standards, it is likely to be the one most acceptable to the civil rights groups (and had initially been raised by them). However, the measurement issues it poses are novel and complex, and we have some concerns about the technical feasibility of this approach.

We are tentatively scheduled to meet with Kennedy's staff and representatives of the civil rights groups early next week, and will continue to work through that process as long as it holds the promise of reaching an acceptable compromise. However, if we are unable to convince Kennedy and Clay to support a proposal based on one of these options, we believe we will then face a difficult choice. We will either have to send up two bills, our ESEA proposal that Kennedy and Clay can introduce and Democrats can rally around, as well as a separate bill with the social promotion requirement. Alternatively, we would have to drop any effort to require an end to social promotion, and instead use your bully pulpit to encourage the trend already underway at the state and local level.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-APR-1999 18:42:31.00

SUBJECT: Teacher of the Year

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: 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:

fyi

----- Forwarded by Karin Kullman/OPD/EOP on 04/16/99
05:47 PM -----

Janelle E. Erickson

04/16/99 06:20:23 PM

Record Type: Record

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

cc:

Subject: Teacher of the Year

EVENT: Teacher of the Year Award

DATE: Monday, April 19, 1999

TIME: 10:50 AM - 11:30 AM

LOCATION: 450 OEOB

PARTICIPANT: The President

***Members should arrive by 10:35 AM, enter through the NW Gate, park on the NW drive and proceed to the WW lobby.

ATTENDING:

Senator Paul Coverdell (R-GA)

Senator Arlen Specter (R-PA)

Rep Charles Norwood (R-GA)

Rep Dale Kildee (D-MI)

Rep Patsy Mink (D-HI)

REGRETS:

Senator Max Cleland (D-GA)
Senator James Jeffords (R-VT)
Senator Ted Kennedy (D-MA)
Senator Tom Harkin (D-IA)
Senator Christopher Dodd (D-CT)
Senator Patty Murray (D-WA)
Senator Jeff Bingaman (D-NM)
Rep Bill Goodling (R-PA)
Rep Bill Clay (D-MO)
Rep Michael Castle (R-DE)
Rep Howard McKeon (R-CA)
Rep Matthew Martinez (D-CA)
Rep John Spratt (D-SC)
Rep Steny Hoyer (D-MD)
Rep Carlos Romero-Barcelo (D-PR)
Rep Jay Inslee (D-WA)
Rep Tom Udall (D-NM)
Rep Shelley Berkley (D-NV)
Rep David Wu (D-OR)
Rep Darlene Hooley (D-OR)

Message Sent

To: _____

Lawrence J. Stein/WHO/EOP
Janet Murguia/WHO/EOP
Tracey E. Thornton/WHO/EOP
Charles M. Brain/WHO/EOP
Martha Foley/WHO/EOP
Mindy E. Myers/WHO/EOP
Eli P. Joseph/WHO/EOP
Virginia N. Rustique/WHO/EOP
Janelle E. Erickson/WHO/EOP
Roger S. Ballentine/WHO/EOP
Alphonse J. Maldon/WHO/EOP
Elisa Millsap/WHO/EOP
Dario J. Gomez/WHO/EOP
Broderick Johnson/WHO/EOP
Lisa M. Kountoupes/WHO/EOP
Marty J. Hoffmann/WHO/EOP
Matthew J. Bianco/WHO/EOP
Caroline R. Fredrickson/WHO/EOP
Courtney C. Crouch/WHO/EOP
Joel K. Wiginton/WHO/EOP
Jade L Riley/WHO/EOP
Kay Casstevens/OVP @ OVP
David R Thomas/OVP @ OVP
Paul Thornell/OVP @ OVP
William T. Glunz/OVP @ OVP
Julia M. Payne/WHO/EOP
Elizabeth R. Newman/WHO/EOP
Nanda Chitre/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Jason H. Schechter/WHO/EOP
Sarah E. Gegenheimer/WHO/EOP
Julie B. Goldberg/WHO/EOP
Dawn L. Smalls/WHO/EOP
Sara M. Latham/WHO/EOP
Ann F. Lewis/WHO/EOP

Stacie Spector/WHO/EOP
Douglas B. Sosnik/WHO/EOP
Marjorie Tarmey/WHO/EOP
Maria Echaveste/WHO/EOP
Dominique L. Cano/WHO/EOP
Tracy Pakulniewicz/WHO/EOP
June G. Turner/WHO/EOP
Paul K. Engskov/WHO/EOP
Nancy V. Hernreich/WHO/EOP
Betty W. Currie/WHO/EOP
Charles J. Payson/WHO/EOP
Rebecca L. Walldorff/WHO/EOP
Steve Ricchetti/WHO/EOP
Joshua S. Gottheimer/WHO/EOP
James T. Heimbach/WHO/EOP
Anne Whitworth/WHO/EOP
Loretta M. Ucelli/WHO/EOP
Karin Kullman/OPD/EOP

April 16, 1999

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED
ELENA KAGAN

CC: LORETTA UCELLI
STEPHANIE STREETT

SUBJECT: POSSIBLE POLICY ANNOUNCEMENTS

CHILDREN AND FAMILIES

- 1. Introduction of Legislation to Prohibit Discrimination Against Parents** (late April/early May) The President proposed new federal legislation to protect parents from discrimination in the workplace. Senator Dodd is almost ready to introduce the President's proposal. Building on state law in Alaska, Michigan, New Jersey, and others, this legislation would protect workers from unfair assumptions about their commitment to their job that can affect hiring, advancement and other employment decisions. While this law would clearly not prohibit employers from making hiring and promotion decision on the basis of job performance, it would ensure that workers are not unfairly discriminated against simply because they are parents.
- 2. Release New Child Care Report** (Ready May 1) At our request, HHS is developing a report on the high cost of child care for low and moderate income working families, and their needs for child care assistance. The report would include information on the expense of child care and present data on the specific costs of child care for families at certain income levels, making the case for the need for child care assistance. The report would also include previously released data on the small numbers of low income families currently receiving subsidies. [Please note, report does not exist yet, but HHS has agreed to produce it.]
- 3. Announce New After-School Grants** (late May) (also submitted by Education team) The President could release \$100 million in 21st Century Learning Grants for after-school programs across the country, the second part of the \$200 million total grant distribution for FY 1999. This is an opportunity to highlight the after-school initiative in the President's FY 2000 budget, which triples funding for the program from \$200 million to \$600 million.
- 4. New Adoption Numbers** (date tbd) The President (and First Lady) could announce the significant increases in adoptions since 1996. We will also be able to announce the awarding of the financial bonuses to states for their adoption increases.

CRIME

The President could announce new pieces of 21st Century Crime Bill:

1. Victims/Bioterrorism (Week of April 19-24 -- Crime Victims Week and anniversary of Oklahoma City Bombing) The President could highlight provisions in his crime bill to address the threat of bioterrorism, and provide additional assistance to victims of crime.

Bioterrorism: The crime bill includes new tools for law enforcement to address the emerging threat of bioterrorism and prevent future bioterrorism catastrophes.

Specifically, the bill contains new criminal and civil penalties for:

- Possession of harmful dangerous biological agents not justified for peaceful purpose, in order to limit the availability of biological weapons to the general public;
- Unregistered possession of certain biological agents to ensure that appropriate authorities can track who is handling the most deadly agents;
- Reckless handling of harmful biological agents, similar to those already in place for radioactive materials and pharmaceutical products; and
- Possession of selected biological agents by restricted individuals, such as felons, fugitives, and the mentally unstable.

Victims: The crime bill contains a number of provisions to support victims, including expanded federal assistance to the victims of non-federal crimes and additional compensation and assistance to victims of terrorism and mass violence. The President could also renew his call for the Congress to pass a Constitutional Victims Rights Amendment.

2. New Firearms Proposals The week before the introduction of the crime bill, the President could unveil the new firearms proposals that will accompany that crime bill. This could be a White House ceremony with supportive Members of Congress. These new proposals include:

- a. Making permanent the Brady waiting period requirements that expired last November;
- b. Closing the gun show loophole and providing for background checks at all gun shows;
- c. Banning the importation of all large capacity ammunition clips (including those originally grandfathered by the Assault Weapons Ban);
- d. Banning violent juveniles from owning guns for life;
- e. Requiring federal gun dealers to sell child safety locks with every gun sold;
- f. Holding adults who allow children easy access to firearms criminally responsible for their reckless actions;
- g. Limiting the purchase of handguns to one per month (We have not yet decided to include this provision);
- h. Enhancing certain gun penalties, providing for the forfeiture of guns used to commit crimes, strengthening the federal firearms licensing system and procedures, providing for Brady background checks to purchase explosives, and more.

We may also be able to simultaneously release a new Justice Department report detailing how many illegal gun sales were stopped through Brady Background checks in 1998, and since the Brady Law's enactment (probably well over 300,000). [Still needs to be confirmed with Justice.]

EDUCATION

- 1. Release Dept. of Education's Guide to Ending Social Promotion** (Ready -- pending close of ESEA discussions) To announce the release of the Education Department's Guide to Ending Social Promotion, and to make clear that 1) the President's call to end social promotion does not mean simply retaining students, but providing a comprehensive approach to ensure that students meet promotion standards the first time, and 2) his budget includes the resources -- smaller class size, after-school, teacher quality, reading tutors -- to help states and school districts prepare students to meet high standards.
- 2. Release Charter Schools Study** (Ready now) This is the third year of a five year study. The study contains updates from previous years on such issues as school size, reasons parents give for sending their kids to charter schools, reasons for starting schools, etc. POTUS could visit a DC charter school and 1) release the report, 2) highlight the choice \$ in the FY2000 budget, 3) perhaps announce the competition for the new funds won in the FY99 budget, and 4) reaffirm support for charter schools and refute allegations that Bill Lan Lee is using civil rights enforcement to undermine charter schools. We have a recommendation for a charter school in D.C. that the President could visit in conjunction with this announcement.
- 3. Release of Update on Tennessee Star Study on Class Size** (April 29) Sen. Murray, NEA and other education groups are planning to release this report at the National Press Club. The Start study is a longitudinal study that is tracking the academic progress of children in Tennessee who were assigned to small classes in grades K-3 as part of an academic reform experiment. Earlier results from the study showed that children that were in these smaller classes did better in the early grades, and continued their academic performance even after being returned to larger classes.
- 4. Gun-Free Schools Act Data** (May) The President could release data on the number of violations of the gun-free schools act. Also, the Safe and Drug-Free Schools Office will award schools that have achieved significant gains in making their schools safer.
- 5. 45th Anniversary of *Brown v. Board of Education*** (May 17) To commemorate the anniversary of this 1954 Supreme Court decision outlawing segregated schools, the President could highlight a new initiative in his FY 2000 budget for interdistrict magnet schools. This budget proposal includes a \$10 million increase in the existing magnet school grant program to develop high-quality special programs at schools that are open to all students from participating districts to reduce racial isolation. This expansion would be targeted toward urban districts with high concentrations of minority and poor students that partner with suburban districts. This increase would fund 5-10 grants to states for planning and implementation activities. The President could also highlight an initiative to help prepare disadvantaged students for AP courses and tests, thereby increasing their access to college -- and helping to make entering college classes more diverse. We have requested \$20 million for the Advanced Placement Incentive program, an increase of \$16 million, to increase opportunities for students to enroll in

and complete advanced courses and train teachers for those courses. We could also highlight the President's request of \$240 million for Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), and increase of \$120 million, to help give an estimated 381,000 disadvantaged students the skills and encouragement they need to successfully pursue postsecondary education. This request would support early intervention services such as mentoring, tutoring, and career counseling in nearly 1,000 high-poverty middle schools.

6. America Counts (late May) America Counts is putting together a "National Commission on Mathematics and Science Teaching for the 21st Century", which Senator John Glenn has agreed to chair. This commission will review the current state of American K-12 math and science education, and produce a report focused on specific action steps that federal, state and local policymakers can take to address teacher supply and quality issues in math and science education. The announcement of the full committee should be ready sometime in late May.

7. Release Department of Education Report on School Choice (Scheduled to be ready in June, but slightly flexible) This report will describe the various options for public school choice in districts across the country. The report could be released during a visit to a worksite, charter, magnet or other innovative school. We could also highlight the public school choice section of ESEA. [If the President travels to FL, MN or CA we could highlight the new initiative on worksite schools. These are mainly K-3 schools that allow working parents to have their children attend a school at the work site. Parental participation at these schools is particularly high.]

HEALTHCARE

1. New Actions to Protect Blood Donors and Transfusion Recipients. (June) We could announce new actions by the Food and Drug Administration to safeguard the safety of our blood supply. These actions include adding new requirements for testing of blood or plasma prior to release or shipment, requiring blood banks to take measures to prevent the spread of Hepatitis C, such as quarantining prior collections from donors who subsequently test positive for Hepatitis C, taking action to identify donors at increased risk of transmitting the disease, and conducting outreach efforts to locate transfusion recipients who may have received infected blood. These actions respond to a series of recommendations made by the GAO, the Institute of Medicine, and the House Committee on Government Reform and Oversight and take critical new steps towards assuring the safety of our blood supply.

2. Patients' Bill of Rights/Presidential Rank Awards for Distinguished Executives. (OPM has submitted a scheduling request for this but we could likely tie it in with our issues, particularly, PBOR): The President could announce the 52 awardees from many federal agencies. These winners are members of the Senior Executive Service (SES) whose work has improved the programs and the federal departments where they work in innovative ways. Both the President and Vice President have announced these awards in past years. There is already a scheduling request in at Cabinet Affairs for April 29. OPM proposes to tie the announcement of the winners with highlights of the Administration's policies -- e.g., OPM's winner, Ed Flynn, helped develop

the federal government's Patients Bill of Rights. Mr. Flynn and OPM also helped develop the federal government's long-term care proposal. *NOTE: This event could only be done in the context of a larger Patients' Bill of Rights announcement.*

CIVIL RIGHTS/IMMIGRATION

1. Asian American and Pacific Islander Executive Order (May) A proposed EO, entitled *Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs*, is currently pending clearance. This EO was proposed by Asian Pacific American leaders to address the fact that Asian Americans and Pacific Islanders are underserved in certain federal programs, including health, education, housing, labor, and economic and community development. The EO is similar to EOs addressing under-representation of African-Americans and Latinos in federal education programs. This EO is more focused on health and human services. The President could participate in a signing ceremony or event during May, which is Asian Pacific American Heritage Month.

2. Public Charge Regulation Roll-Out (May) The INS is expected to release a proposed regulation that clarifies the basis upon which an immigrant may be found a "public charge" for the purposes of exclusion, adjustment of status and deportation. Studies and anecdotal evidence have shown that legal immigrants and sometimes U.S. citizens who are eligible to receive federal public benefits such as Medicaid and participate in the Children Health Insurance Program (CHIP) are not applying for those benefits for fear that they will be penalized under immigration laws. State and local governments, immigrant advocacy groups, health care organizations, Members of Congress and others have been pressing for guidance on this issue for nearly a year and are very anxious to get clarification as soon as possible. The President could make a public statement about the regulation and urge Congress to enact his FY 2000 budget proposals that provide states the option to provide health services to immigrant children and pregnant women and provides food stamps benefits to legal immigrants.

3. Race Book Roll-Out (May?) Discussions are currently under way regarding methods to roll-out the race book when it is completed. Under consideration are: 1) White House announcement, with simultaneous events hosted by Cabinet across the country; 2) White House event coupled with announcement of either a White House Conference on Race or a series of sectoral leadership conferences across the country; 3) roll-out at a White House Conference on Race; or 4) book announcement at an out-of-D.C. location, e.g., University of Mississippi, where they are opening the Institute for Racial Reconciliation.

TOBACCO

1. Release Report on Youth Smoking Prevention (Early May) Release new report showing how few states are investing tobacco settlement funds to prevent youth smoking (report being prepared by outside public health groups), using the event to call upon the Congress to ensure settlement money is used to prevent youth smoking.

2. Unveil new measures making the tobacco industry documents more accessible. (May)

On May 23rd, the tobacco companies are supposed to make certain specified documents available on their web sites, according to the terms of the state settlement.

3. Statement on Full FDA Authority Over Tobacco Products (April-May-June) Make a strong statement in support of full FDA authority on the day the Supreme Court makes a decision on whether to review the FDA case from the Fourth Circuit. If the court takes the case, arguments will be considered in the 1999-2000 session. Whether or not the court decides to take the case, we should continue to push for legislation to confirm the FDA's authority over tobacco products. While the court refusing to take the case would be a setback, it may provide us with additional ammunition to argue for a change in statute.

4. Announce the Filing of Department of Justice Litigation Against the Tobacco Industry.
(Date tbd)

WELFARE/EMPLOYMENT

1. Welfare to Work Transportation Grants (Late April-early May) The President could announce the awarding of \$75 million in welfare to work transportation grants, using the opportunity to promote our welfare to work spending proposals including doubling funding for these grants in FY 2000. These will be the first grants awarded under the Administration's Access to Jobs initiative included in TEA-2. This would ideally be announced in a state or community who is receiving a grant.

2. Announce Federal Government's Model Plan for Employment of People with Disabilities (May) (currently being revised). This plan, directed by the U.S. Office of Personnel Management (OPM), is based on recommendations from the Presidential Task Force on Employment of Adults with Disabilities. The Model Plan will address the following areas: recruitment and hiring; reasonable accommodation; career opportunities; and data collection.

3. Food Stamp Regulations (May-June) Announce new Food Stamp regulations to improve access for working families (in development; regulatory offsets needed).

4. Fathers Day Message (June 20 -- note that the President will be out of the country on this day) Issue guidance to states and communities on how federal programs (including TANF, WtW, child support, and others) can support responsible fatherhood, using the opportunity to plug our Welfare-to-Work reauthorization initiative. There are two related conferences occurring around this time: the National Fatherhood Institute Summit in Washington on June 14th, which will include a bipartisan group of mayors, and an International Fatherhood Conference sponsored by the National Center for Strategic Non-Profit Leadership in San Francisco 5/31 - 6/3. (Could make a good VP announcement.)

5. One-Stop Employment Center Event (June-July) The President could announce new employment numbers (due out June 4/July 2nd) at a One-Stop centers created by the new

Workforce Investment Act to provide employment and training assistance.

6. Ninth Anniversary of the Americans with Disabilities Act. (July 29) Announcements to be developed.

7. Welfare to Work Partnership Convention, Chicago, IL (August 2-4) Address the Welfare to Work Partnership convention in Chicago, August 2 - 4 of several thousand businesses from dozens of cities. The President could announce the \$200 million in high performance bonuses for states that have done the best job placing welfare recipients in jobs and ensuring they succeed in those jobs, and announce the first Individual Development Account grants to help low income families build assets, which should be ready July 27th. If caseload reductions continue at current pace, the President should be able to announce that the President has cut welfare rolls in half since he took office. This event could serve to mark the third anniversary of the welfare reform law (8/22/96) and the 2nd anniversary of the Welfare-to-Work program (8/5/97).

HOMELESS

1. Homeless Report. (Tentatively ready in a month, likely sooner if we pushed for it.) We could announce the results of the National Survey of Homeless Assistance Providers and Clients, which is the first-ever comprehensive survey of both clients and providers of homeless programs funded by the federal government. Representatives of 11,909 programs out of an estimated 40,000 nationwide were interviewed, and 4,207 people who use the programs were interviewed. The survey will show that 15 percent of the homeless respondents have one or more children under the age of 18 with them; that 28 percent of respondents say they sometimes or often do not get enough to eat, compared to 12 percent of poor Americans; and 38 percent report alcohol use problems, 26 percent drug use problems, and 39 percent mental health problems, and 66 percent report one or more of these problems. The report does not estimate the total number of homeless persons. The announcement of the survey could be combined with another push for our FY2000 budget for HUD which includes \$1.125 billion for homeless assistance. If enacted, the \$1.125 billion will be the largest ever appropriation to HUD for homeless assistance.

FOOD SAFETY/NUTRITION

1. Food Safety Event. (Timing: OMB wants time but could be pushed to get the rule out.) We can urge Congress to pass funds for our food safety initiative, support Harkin's bill to give USDA recall authority for tainted food, and announce a new rule regulating eggs to prevent salmonella. The FDA rule now at OMB (and its USDA companion already completed and set to go into effect in August) will require eggs to be kept at 40 degrees and put warning labels to consumers on each carton. There are at least 800,000 cases of salmonella a year and eggs are the leading culprit. They project a median savings of \$700 million in reduced health care costs (OMB analysis includes a range of \$87 million to \$6 billion). The cost of the rule to companies is \$60 million the first year, \$10 million a year

afterwards. USDA also has a reinventing government rule clearing OMB to move from a regulatory approach on sanitation of meat and poultry plants to a performance setting standard method which companies will like and shows we are interested in flexible means of achieving goals.

2. **Nutrition Executive Order.** (Late May) USDA and consumer groups have urged us to establish an inter-agency council on nutrition. While there has been a relatively recent scientific recognition of the important connection between diet and disease prevention, (well-covered in Newsweek, Time, and elsewhere), the Administration has little coordination between our health and nutrition programs at HHS and USDA. If given a choice, the groups would prefer a WH Conference on Nutrition and have approached Chris Jennings about it. The Council would operate like our food safety council and hold public hearings, report on what we know about the topic, and recommend ways to link our programs at HHS and USDA better.

NATIVE AMERICANS

1. **Native American Education Foundation.** (Needs to go through OMB clearance, possibly ready by May). The Department of the Interior proposes legislation to establish a non-profit Native American Education Foundation. This legislation would create a foundation similar to the National Park Foundation and would permit the Foundation to solicit donations for the furtherance of Native American education for grades K-12. While there is an American Indian College Fund, there is no existing non-profit that focuses on this issue of K-12 education for Native American children. The Foundation would be able to give funds to support projects such as developing American Indian cultural curriculum, research on American Indian education, and initiating model programs to improve Native American education. This effort would build upon the Native American executive order that the President signed last August. Senator Inouye has indicated that he would like to sponsor this legislation, and Interior expects that they will be able to garner additional support. This proposal has received support from the Native American education community, particularly from the National Indian Education Association (NIEA) and the American Indian Higher Education Consortium (AIHEC). OMB is worried that staffing the Foundation would cost money, Interior is trying to reach an accommodation.

ENDANGERED SPECIES

1. **Endangered Species Act Delistings**

a. **Bald eagle** -A proposal to delist the bald eagle is set to be announced on July 4, 1999.

Perhaps we should push to move up.

b. **Peregrine falcon** -Similarly, the final proposal to delisting the peregrine falcon is set to be announced in August 1999.