

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 049 - FOLDER -004

[04/17/1999 - 04/19/1999]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-APR-1999 18:37:28.00

SUBJECT: decent piece on ESEA

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

TEXT:

from last week's US News:

School daze, budget frays
A knockdown battle over a pot of
education dollars

BY BEN WILDAVSKY

How much say should Washington have in how America's kids are educated? That question will be at the center of a political fight looming on Capitol Hill over a mammoth piece of legislation that covers two thirds of all federal spending for kindergarten through 12th-grade education.

The skirmishing begins next week when the White House is expected to release its proposal to reauthorize the Elementary and Secondary Education Act. The \$15 billion bill includes more than 60 programs, the largest of which directs nearly \$8 billion a year at improving education for poor kids.

This year, in what the White House calls a "sea change in national education policy," President Clinton's battle cry is accountability. The administration wants states to close failing schools, improve teacher training, and stop automatic promotion of failing students. If states don't play ball, they risk losing a portion of their federal funds—a rare occurrence in the past.

Republicans say they agree with the substance of many of Clinton's ideas and point out that he is touting reforms long championed by GOP lawmakers in Washington and the states. "He's finally come around to Republican ideas," says Pennsylvania Rep. Bill Goodling, chairman of the House Committee on Education and the Workforce. But Republicans pan Clinton's plan to withhold federal funds from states that don't follow the new

rules. They say plenty of innovation is already taking place locally. Besides, they add, more flexibility is not more regulation is what is needed. "Most of their programs end up being directives," says GOP Sen. Judd Gregg of New Hampshire, a member of the Senate Health and Education Committee. Education Secretary Richard Riley insists states would remain in the driver's seat. But, he says, it's "not good public policy . . . to have the national government involved in sending lots of money into a nonperforming school year after year."

Red tape. On average, federal dollars make up about 6 percent of total K-through-12 spending. But many GOP governors complain that state education departments spend too much time administering federal programs. Lisa Graham Keegan, Arizona's conservative superintendent of public instruction, estimates that about 165 of her employees, or 45 percent, run federal programs that account for only a fraction of the state's education spending. Gripes Michigan Gov. John Engler: "We think [Clinton] ought to win the war in Yugoslavia and let local school issues be decided by local school boards."

Still, the centrist, "new Democrat" themes of the White House education plan present Republicans with a political dilemma. "Clinton's got them in a box, because in the past it's Republicans who've been demanding accountability, and now Clinton's saying 'OK, we'll have accountability,' " says John Jennings, a former Democratic aide on Capitol Hill who now heads the Center on Education Policy in Washington. Republicans are well aware that education is the No. 1 issue among voters. And that elections could be won and lost on how candidates come across on school matters. A recent CBS News/New York Times poll found that 53 percent of those surveyed believed Democrats were more likely than Republicans to improve education. Just 30 percent had more confidence in the GOP. "Historically, when people have thought about the Republican Party and education at the national level, they've thought either we wanted to get rid of the Department of Education or that the only other thing we were interested in is vouchers," says Pennsylvania Gov. Tom Ridge. "If, in the political debate, we just argue states' rights or local control, we lose."

One GOP proposal dubbed Super Ed-Flex would allow states to spend federal money however they wished in exchange for meeting well-defined achievement goals for students. But critics fear states might be tempted to divert dollars intended for disadvantaged children to other uses. Lawmakers don't expect Congress to pass the measure until next year smack in the middle of election seas

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 08:44:10.00

SUBJECT: Revised New Events Memo

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: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./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:

ADA anniversary is July 26, not July 29.===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D56]ARMS27635552Q.136 to ASCII,
The following is a HEX DUMP:

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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 26) 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.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mary E. Jones (CN=Mary E. Jones/OU=CEA/O=EOP [CEA])

CREATION DATE/TIME:19-APR-1999 10:02:07.00

SUBJECT: TANF & Food Stamp Caseload Update

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

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

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

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

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

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

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

TO: David W. Beier (CN=David W. Beier/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

READ:UNKNOWN

CC: Andrew R. Feldman (CN=Andrew R. Feldman/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

CC: Robert F. Schoeni (CN=Robert F. Schoeni/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

TEXT:

The TANF & Food Stamp Caseload Update, 4th Quarter 1998 Report you received last week should be treated as a "CLOSE HOLD" document. If you have questions or need further assistance, please call Bob Schoeni (x54597) or Andy Feldman (x53114).

Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 10:22:43.00

SUBJECT: racial profiling

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

READ:UNKNOWN

CC: James T. Edmonds (CN=James T. Edmonds/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We had discussed more than two weeks ago DPC preparing an options memo for president on what the exec order on racial profiling should look like, understanding that all agencies and the vast majority of White House staff recommend an executive order on data collection; however, President should know that there is a vocal minority who would like something more than data collection. It appears that we're on a track to present the President with a fait accompli on an executive order on data collection. That's not what we had discussed. Let's get the DPC/DOJ proposal into the President in a way so that he has more than a few hours notice. Especially since we've been pushing on another front to have the executive order used as a message event in the near future. What's your timetable?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mickey Ibarra (CN=Mickey Ibarra/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-1999 11:29:50.00

SUBJECT: Re: NGA upcoming education conferences

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:

----- Forwarded by Mickey Ibarra/WHO/EOP on 04/19/99
11:30 AM -----

Fred Duval 04/19/99 11:03:34 AM

Record Type: Record

To: Mickey Ibarra/WHO/EOP@EOP

cc: Minyon Moore/WHO/EOP@EOP, Todd A. Bledsoe/WHO/EOP@EOP, Ron Klain/OVP@OVP

Subject: Re: NGA upcoming education conferences

yes. I've been tracking this. I spoke to Ray S. last Tues to express my concern as well as to Jonathan Jones. I reminded them both that the VP was not invited to speak to the closing NGA plenary session because it would "appear too political." Jonathan initially believed that Carper would not budge unless asked to do so by the VP. I conveyed that the VP making this kind off request was a really bad idea and Jonathan agreed and urged that Ron Klain or Craig Smith call Carper. I briefed Klain on Wed am and he initially wanted to discuss it with Carper. As we have gathered more info - namely that Carper believes it will be mostly staff - Ron is less concerned. I have urged Carper that he shouldn't take the risk that it becomes a bigger story and I think he is now considering this very seriously. Ray called to tell me that he has frozen hotel and other contracts while this gets reconsidered, and Austin does not now appear on the list of official NGA site commitments now being handed out.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 13:10:59.00

SUBJECT: Re: ESEA -- anti-smoking programs

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

According to OMB, the restrictions on smoking under the 1994 Pro-Children Act apply only during the school day. So presumably, teachers can smoke in the lounge after the school day. As drafted, the Tobacco-Free Schools Act would go further prohibit smoking at all times-- in or around the school, or at a school-sponsored event.

How do you want to proceed? I've let OMB know that we are reviewing this, but they are trying to get the bill in final form asap.

Cynthia A. Rice

04/16/99 10:36:29 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Elena Kagan/OPD/EOP, Tanya E. Martin/OPD/EOP, Jonathan H. Schnur/OPD/EOP

bcc:

Subject: Re: ESEA -- anti-smoking programs

The 1994 Pro-Children Act allowed the Secretary to grant waivers if collective bargaining agreements included smoking privileges clauses, but these special waivers were to expire one year after the law's enactment.

The guidance the Dept of Education released in May 1995 made clear that the smoking ban applies to the entire school building. The law "requires the prohibition of smoking within any [federally -funded] indoor facility owned, or leased, or contracted for the provision of these children's services. This means, therefore, that smoking lounges or other separate locations for smoking within the enclosed facility (even if separately ventilated) must be prohibited."

I should note that this policy is much stronger than the EO we did for federal buildings in 1997 which allowed smoking in "designated smoking areas that are enclosed and exhausted directly to the outside and away

from air intake ducts, and are maintained under negative pressure (with respect to surrounding spaces) sufficient to contain tobacco smoke within the designated areas."

Bruce N. Reed

04/16/99 10:02:23 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc: Tanya E. Martin/OPD/EOP, Jonathan H. Schnur/OPD/EOP, Cynthia A. Rice/OPD/EOP

Subject: Re: ESEA -- anti-smoking programs

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: Shirley S. Sagawa (CN=Shirley S. Sagawa/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-1999 13:27:14.00

SUBJECT: AmeriCorps Conf Call

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

TO: JGompert@cns.gov (JGompert@cns.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

CC: Twest@cns.gov (Twest@cns.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Our bi-weekly AmeriCorps Conference call will be today, Monday, April 19th at 5:15pm. Please call 757-2104 code 1251.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 13:39:32.00

SUBJECT: Public Charge roll-out

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I would like to follow-up on our discussion about the roll-out of the public charge proposed regulation.

Based on our discussions this morning, I understand there is strong interest in a POTUS or VPOTUS announcement but I would like to schedule a meeting to discuss in more detail the roll-out options and to vet these options. Please let me know if you think it make sense do a DPC meeting first to come up with a DPC recommendation and then invite others (Janet, Maria, etc) to discuss these options.

Fyi - The timing of the clearance of the reg is still unclear since we are just receiving it but upon a quick review of the proposed reg it looks good. We are still waiting for the field guidance.

Please advise. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 14:59:47.00

SUBJECT: PLS LOOK ASAP: POTUS Quote for DOL Welfare to Work Release

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

TEXT:

Tomorrow DOL will release a letter from Herman and a press release about Cardin's introduction of our welfare to work proposal. We thought that rather than include a new quote from the President we should have Herman quote the President's radio address statement, i.e., --

As the President said in his April 10th radio address, "We can't finish the job of welfare reform without doing more to help people who have the hardest time moving from welfare to work -- those who live in the poorest neighborhoods and have the poorest job skills. That's why I call on Congress to pass my plan to extend the Department of Labor's Welfare to Work program."

What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 15:19:29.00

SUBJECT: ESEA Title VII concerns

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

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We joined with OMB in some comments back to ED regarding how to operationalize the three-year goal in Title VII (Bilingual) of ESEA. We got back ED's comments today -- rejecting OMB/DPC's comments in two key areas-- and want to get your read on whether/how much to push back.

4th and 5th year Grant Continuation

In the draft bill, ED proposed that grants be rescinded if "after three years or four years of the grant, a significant number of students with limited English proficiency in the project, who have been in the United States for three consecutive years, have not made continuous progress in learning English and in achieving challenging State content and performance standards".

OMB proposed language stating that the grants would be rescinded if "after three years of the grant, a significant number of students in the program with limited English proficiency, who have been in United States schools for three consecutive years, have not attained English proficiency per the required annual assessment and made continuous progress in achieving challenging State content and performance standards." OMB believes that the "continuous progress" standard in ED's proposed language is not a sufficient measure of progress. We supported OMB's language -- given that during the ESEA meetings, you pushed ED to strengthen its operationalizing of the three-year goal.

Today, ED rejected OMB's proposed language and replied:

"Given that the new accountability procedures have not been implemented (and will take time and work with the States and localities to do so), given the complexities of when LEP students arrive in this country and other important background variables (research and experience indicate that the time and resources necessary to learn English vary dramatically based on a variety of conditions and our proposal would authorize the Secretary to establish benchmarks based on a range of such conditions), and given the volatility of the issue politically, we prefer "continuous progress", giving the Secretary flexibility to guide the process."

New Grants to Prior Grantees

OMB also proposed -- in order to take into account previous performance of an applicant and prevent renewals or additional awards to previously unsuccessful grantees -- that prior grantees show that substantial numbers of students in the program with limited English proficiency, who had been in the United States schools for three consecutive years, attained English proficiency in accord with the required annual assessment and made continuous progress in achieving challenging State content and performance standards.

ED is opposed to this change, arguing that it is harsh and unnecessary (as they believe that at the end of three or four years poor programs would already be terminated, per the above section). They also believe that it might penalize grantees (and new students) for problems outside of their control. OMB says that there aren't very many five year grants and sees this as a check on renewals of poor-performing three-year grantees (or five-year grantees who keep their grants despite poor performance).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 16:48:29.00

SUBJECT: PIAC memo

TO: Audrey Choi (CN=Audrey Choi/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

TO: Jim Kohlenberger (CN=Jim Kohlenberger/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: David W. Beier (CN=David W. Beier/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TEXT:

With respect to your April 10 memo to the President on free time/PIAC, last week I discussed with Jim Kohlenberger Phil's and my wish to include with the memo a draft of the VP letter to which the memo refers. Jim has told me that such a letter is being drafted; I am holding the memo until we receive the letter. While we'd prefer to send the memo with a draft letter attached, please let me know if further delay will cause a problem (Jim mentioned Sen. Leiberman's forthcoming bill as a driving factor).
Thanks.

--David

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 17:30:59.00

SUBJECT: social promotion and civil rights objections

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

READ:UNKNOWN

TEXT:

As we work through this tough issue, how do we respond to concrete problems currently encountered out in the field? For example, LA Unified is trying to implement a social promotion policy including summer schools, except that LA has year around schooling in order to ease overcrowding so there's no space for summer school; there's also an acute shortage of qualified teachers for regular schooling let alone remedial, support programs. Lastly, they estimate that it would cost \$18-20 million more to try to provide these additional programs (assuming they could find the teachers). How would LA be treated under our new proposal? Thanks (by the way I'm seeing Wade and Charles this evening, so I'll let you know what I learn.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ann C. Hertelendy (CN=Ann C. Hertelendy/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:19-APR-1999 17:38:15.00

SUBJECT: Luncheon with Antony Giddens

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

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

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

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

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

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

TO: Eli G. Attie (CN=Eli G. Attie/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

TEXT:

Please join us with any interested staff members
for a luncheon welcoming

Antony Giddens

author of Third Way and
Professor at the London School of Economics

on Tuesday, April 20, 1999
12:30 p.m. - 1:30 p.m.

in the Truman Conference Room
Jackson Place
Conference Center

Please RSVP x65745

In order to cover the cost of the luncheon, if you confirm your attendance please make out a check for \$5.75 to Sidney Blumenthal and forward it to Ann Hertelendy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Eli G. Attie (CN=Eli G. Attie/O=OVP [UNKNOWN])

CREATION DATE/TIME:19-APR-1999 18:11:46.00

SUBJECT: Deliverables for VP's NAACP speech?

TO: Alvin Brown (CN=Alvin Brown/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

TO: David W. Beier (CN=David W. Beier/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Paul K. Orzulak (CN=Paul K. Orzulak/O=OVP@OVP [UNKNOWN])

READ:UNKNOWN

TEXT:

As you may know, the VP is speaking to the metro Detroit chapter of the NAACP this Sunday...does anyone know of any good and appropriate deliverables that might be floating around for this one? (For one thing, I heard that there might be some good details about our efforts to turn around failing schools as part of the education accountability plan...)

Many thanks...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 18:52:06.00

SUBJECT: secrets revealed

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

READ:UNKNOWN

TEXT:

----- Forwarded by Bruce N. Reed/OPD/EOP on 04/19/99
06:55 PM -----

Michael Waldman
04/19/99 09:43:08 AM
Record Type: Record

To: Bruce N. Reed/OPD/EOP
cc:
Subject: secrets revealed

SEE BOLDFACE BELOW

WHY IS BERGER SOFT ON CHINA?
By DICK MORRIS

FROM international trade to satellite launchings to spying, National Security Adviser Sandy Berger has consistently downplayed intelligence warnings and urged closer ties with China. What makes this troubling is Berger's past (and possible future) commercial relationship with the Chinese government.

Berger was a lawyer-lobbyist in the years before Clinton tapped him to be deputy national security adviser. In a Jan. 26, 1997, Washington Post article by Nat Hentoff, Rep. Nancy Pelosi (D-Calif.) revealed that Berger was the "point person at the Hogan and Hartson law firm for the trade office of the Chinese government." This suggestion raises key conflict-of-interest issues.

Pelosi's comment, which Berger never denied, aroused little interest when it was first reported because Berger's key role in the administration's China dealings was not yet widely known. But investigative reporter Jeff Gerth revealed last week that intelligence officials alerted Berger to Chinese spying in April 1996 - but he chose not to tell the president about it until July 1997.

Specifically, Gerth reports that Berger learned of China's theft of the W-88 nuclear-warhead design, neutron-bomb designs and other ongoing

Chinese espionage in the 1996 meeting. While Berger denies learning about the neutron-bomb espionage at the 1996 meeting, he admits that he was told about the intelligence failures at the Los Alamos nuclear laboratory, where information about the W-88 warhead design was stolen. Why Berger waited 15 months to tell Clinton about the Los Alamos situation remains a mystery.

Also last week, Berger was reported to be the one administration official who labored ceaselessly to complete a trade deal with China during the recent negotiations with Premier Zhu Rongji.

This is not the first time that Berger advocated a position that ultimately helped China at American expense. He has been identified as the person whose urgent memos to the president triggered the administration's decision to grant a waiver to Loral Space Systems to launch its satellite on Chinese rockets.

National Security Adviser Berger's memos cited Loral's critical financial situation in urging prompt approval of the waiver - even though Berger knew that the Justice Department was likely to indict Loral on "serious" charges of sharing classified information with the Chinese without government approval.

Another example? In their new book "Year of the Rat," defense experts Edward Timperlake and William C. Triplett II report, "It was Berger who led the charge to repeal export controls on satellites for China."

In view of Berger's law firm's past business relationship with the Chinese government, one may ask if he is subject to a conflict of interest when he takes the Chinese side so frequently.

Here's an interesting bit of background: In 1995, the administration was considering a ban on contacts by Executive Branch officials with lobbyists for foreign governments. Disturbed at the number of Republican former trade and foreign policy officials in the Nixon, Ford, Reagan and Bush Administrations who had farmed out as lobbyists for foreign governments, the Clinton administration was considering closing them down by denying them access to their buddies in government.

Although the president was interested in the proposal and it was discussed at several strategy meetings, Sandy Berger, then serving as deputy national security adviser, fought hard against the proposal. He defended those who lobbied for foreign governments as legitimate advocates.

Could Berger be planning to return to a lucrative role in representing the Chinese government after he leaves public service? After a period of a year, he would be allowed to do so.

With Berger's role as a China apologist becoming so evident, it would appear that Congress is entitled to ask him detailed questions about his past contacts with the Chinese government and those of his former law firm. Would it not be appropriate to ask what his firm did for the Chinese, how much they were paid, when they worked, and what role Berger played? Are they now involved in business dealings with China even as their former partner pushes for a more pro-Chinese policy in the White House?

In my own communications with Berger on the China issue, he has always stressed the importance of a close U.S.-Chinese relationship. 'The key thing,' he told me in a private meeting at the Jefferson Hotel in mid-1995, 'is to prevent a coalition of the militant Arab states, Russia and China from joining together to confront the United States globally.' He was antsy about tough rhetoric on trade with China and opposed making toughness with China a political issue in the 1996 campaign.

In the Fox News/Opinion Dynamics poll of April 8, voters said by two to one that Clinton was not being tough enough in his dealings with China. With reports of Chinese espionage widening and the trade deficit with Beijing growing, a closer relationship with China carries with it a significant political price for this administration. Add in the reports of an explicit effort by the Chinese intelligence community to funnel money to the Clinton 1996 campaign, and the president is clearly vulnerable on this issue.

Republicans would be wise to jump all over the China issue with hearings and investigations to probe the intelligence disasters and the possible conflicts of interest of high administration

officials

like Sandy Berger.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 19:28:12.00

SUBJECT: mtg on bioterrorism

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

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

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

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

TO: Gerald L. Epstein (CN=Gerald L. Epstein/OU=OSTP/O=EOP @ EOP [OSTP])
READ:UNKNOWN

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

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

TO: Caroline D. Krass (CN=Caroline D. Krass/OU=NSC/O=EOP @ EOP [NSC])
READ:UNKNOWN

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

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

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

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

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

TEXT:

There will be a meeting on the bioterrorism proposal in Chuck Ruff's office tomorrow morning at 11:30 for all who can attend. HHS and DOJ have also been invited to attend.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 20:41:34.00

SUBJECT: LRM CJB58 - - REVISED EDUCATION Draft Bill on Technical Assistance Program

TO: Holly L. Gwin (CN=Holly L. Gwin/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

TO: Anthony J. Gibson (CN=Anthony J. Gibson/OU=OSTP/O=EOP [OSTP])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Crystal J. Roach (CN=Crystal J. Roach/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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TEXT:

Please comment by: cob, Tuesday, April 20, 1999

This deadline is firm, and necessary, in order to ensure that all issues are resolved in time for the ESEA bill to be transmitted shortly.

This contains substantial revisions to the version we circulated on 04/03 (LRM CJB 36). The revised sectional analysis is not yet ready. However, since the bill text contains proposed new language, rather than amendments to existing law, please rely exclusively on the bill text when reviewing this section.

The draft bill language will be placed on the following website shortly as revised text (~39 pps). You can also access it electronically (below).

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----- Forwarded by Constance J. Bowers/OMB/EOP on
04/19/99 08:35 PM -----
LRM ID: CJB58
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, April 19, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Janet R. Forsgren (for) Assistant Director for
Legislative Reference
OMB CONTACT: Constance J. Bowers
PHONE: (202)395-3803 FAX: (202)395-6148
SUBJECT: REVISED EDUCATION Draft Bill on Technical Assistance
Programs (Title II, Part E of the Elementary and Secondary Education Act
Reauthorization)

DEADLINE: cob 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: This contains substantial revisions to the version we circulated on 04/03 (LRM CJB 36). The revised sectional analysis is not yet ready. However, since the bill text contains proposed new language, rather than amendments to existing law, please rely exclusively on the bill text when reviewing this section.

The draft bill language will be placed on the following website shortly as revised text (~39 pps). You can also access it electronically (below).

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Crystal J. Roach
Jack A. Smalligan
James J. Jukes
Janet R. Forsgren

LRM ID: CJB58 SUBJECT: REVISED EDUCATION Draft Bill on Technical Assistance Programs (Title II, Part E of the Elementary and Secondary Education Act Reauthorization)

RESPONSE TO

LEGISLATIVE REFERRAL

MEMORANDUM

1 draft 4/19/99 8:05 p.m.

2 TITLE II

3 PART E - TECHNICAL ASSISTANCE PROGRAMS

4
5 NEW PART

6 SEC. 2501. (a) Title XIII of the ESEA is repealed.

7 (b) Title II of the ESEA is further amended by adding
8 at the end thereof the following new part:

9
10 "PART E-TECHNICAL ASSISTANCE PROGRAMS

11
12 "FINDINGS

13 "SEC. 2501. The Congress finds that--

14 "(1) sustained, high-quality technical assistance
15 that responds to State and local demand supported by
16 widely-disseminated, research-based knowledge of what
17 constitutes high-quality technical assistance, and how to
18 identify high-quality technical assistance providers, can
19 enhance the opportunity for all children to achieve to
20 challenging State academic content and student performance
21 standards;

22 "(2) an integrated system of acquiring, using,
23 and supplying technical assistance is essential to
24 improving programs and affording all children this
25 opportunity;

1 "(3) States, local educational agencies, tribes,
2 and schools serving students with special needs, such as
3 educationally disadvantaged students and students with
4 limited English proficiency, have clear needs for technical
5 assistance in order to use funds under this Act to provide
6 those students with opportunities to achieve to challenging
7 State academic content standards and student performance
8 standards;

9 (4) current technical assistance and dissemination
10 efforts are insufficiently responsive to the needs of
11 States, local educational agencies, and tribes for help in
12 identifying their particular needs for technical assistance
13 and developing and implementing their own integrated
14 systems for using the various sources of funding for
15 technical assistance activities under this Act (as well as
16 other State and local resources) to improve teaching and
17 learning and to implement more effectively the programs
18 authorized by this Act; and

19 "(5) the Internet and other forms of advanced
20 telecommunications technology are an important means of
21 providing information and assistance in a cost-effective
22 way.

23

24

"PURPOSE

1 "SEC. 2502. The purpose of this part is to support a
2 strong system of technical assistance activities and
3 dissemination for States, local educational agencies,
4 tribes, schools, and other recipients of funds under this
5 Act through--

6 "(1) the provision of financial support and
7 impartial, research-based information designed to assist
8 States and high-need local educational agencies to develop
9 and implement their own integrated systems of technical
10 assistance and select high-quality technical assistance
11 activities and providers for use in those systems;

12 "(2) the establishment of technical assistance
13 centers in areas that reflect identified national needs, in
14 order to ensure the availability of strong technical
15 assistance in those areas;

16 "(3) the creation of a technology-based system,
17 for disseminating information about ways to improve
18 educational practices throughout the Nation, that reflects
19 input from students, teachers, administrators and other
20 individuals who participate in, or may be affected by, the
21 Nation's educational system; and

22 "(4) national evaluations of effective technical
23 assistance.

24

1 "SUBPART 1 - STRENGTHENING THE CAPACITY OF STATE AND LOCAL
2 EDUCATIONAL AGENCIES TO BECOME EFFECTIVE, INFORMED
3 CONSUMERS OF TECHNICAL ASSISTANCE

4
5 "PURPOSE

6 "SEC. 2511. It is the purpose of this subpart to--

7 "(1) provide grants to State and local
8 educational agencies in order to--

9 "(A) encourage States and local educational
10 agencies to assess their technical assistance needs, and
11 how their various sources of funding for technical
12 assistance under this Act and from other sources can best
13 be coordinated to meet those needs (including their needs
14 to collect and analyze data);

15 "(B) build the capacity of State and local
16 educational agencies to use technical assistance
17 effectively, and thereby improve their ability to provide
18 the opportunity for all children to achieve to challenging
19 State academic content standards and student performance
20 standards; and

21 "(C) assist State and local educational
22 agencies in acquiring high-quality technical assistance;
23 and

1 "(2) establish an independent source of consumer
2 information regarding the quality of technical assistance
3 activities and providers, in order to assist State and
4 local educational agencies, and other consumers of
5 technical assistance that receive funds under this Act, in
6 selecting technical assistance activities and providers for
7 their use.

8

9 "ALLOCATION OF FUNDS

10 "SEC. 2512. From the funds appropriated to carry out
11 this subpart for any fiscal year--

12 "(1) the Secretary shall first allocate one
13 percent of such funds to the Bureau of Indian Affairs and
14 the Outlying Areas, in accordance with their respective
15 needs for such funds (as determined by the Secretary) to
16 carry out activities that meet the purposes of this
17 subpart; and

18 (2) from the remainder of such funds, the
19 Secretary shall--

20 "(A) allocate two-thirds of such remainder
21 to State educational agencies in accordance with the
22 formula described in section 2513; and

23 "(B) allocate one-third of such remainder
24 to the 100 local educational agencies with the largest

1 number of children counted under section [1124(c)], in
2 accordance with the formula described in section 2516.

3

4 "FORMULA GRANTS TO STATE EDUCATIONAL AGENCIES

5 "SEC. 2513. (a) FORMULA. Subject to subsection (b),
6 the Secretary shall allocate the funds under section
7 2512(2)(A) among the States in proportion to the relative
8 amounts each State would have received for Basic Grants
9 under subpart 2 of part A of title I of this Act for the
10 most recent fiscal year, if the Secretary had disregarded
11 the allocations under such subpart to local educational
12 agencies that are eligible to receive direct grants under
13 section 2516.

14 "(b) ADJUSTMENTS TO ALLOCATIONS. The Secretary shall
15 adjust the allocations under subsection (a), as necessary,
16 to ensure that, of the total amount allocated to States
17 under subsection (a) and to local educational agencies
18 under section 2516, the percentage allocated to a State
19 under this section and to localities in the State under
20 section 2516 is at least [one-quarter of one percent--
21 **doublechecking this**] of such total amount.

22 "(c) REALLOCATIONS. If the Secretary determines that
23 any amount of any State's allocation under subsection (a)
24 (as adjusted, if necessary, under subsection (b)) will not

1 be required for such fiscal year for carrying out the
2 activities for which such amount has been allocated, the
3 Secretary shall make such amount available for
4 reallocation. Any such reallocation among other States
5 shall occur on such dates as the Secretary shall establish,
6 and shall be made on the basis of criteria established by
7 regulation. Any amount reallocated to a State under this
8 subsection for any fiscal year shall remain available for
9 obligation during the succeeding fiscal year, and shall be
10 deemed to be part of the State's allocation for the year in
11 which the amount is obligated.

12

13

"STATE APPLICATION

14

"SEC. 2514. (a) APPLICATION REQUIREMENTS. Each State

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desiring a grant under this subpart shall submit an

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application to the Secretary at such time, in such

17

manner, and containing such information as the Secretary

18

may require. Each such application shall describe--

19

"(1) the State's need for, and the capacity of

20

the State educational agency to provide, technical

21

assistance in implementing programs under this Act

22

(including assistance on the collection and analysis of

23

data) and in implementing the State plan or policies for

24

comprehensive, standards-based education reform;

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"(2) how the State will use the funds provided under this subpart to coordinate all its sources of funds for technical assistance, including all sources of such funds under this Act, into an integrated system of providing technical assistance to local educational agencies, and other local recipients of funds under this Act, within the State and implement that system;

"(3) the State educational agency's plan for using funds from all sources under this Act to build its capacity, through the acquisition of outside technical assistance and other means, to provide technical assistance to local educational agencies and other recipients within the State;

"(4) how, in carrying out technical assistance activities using funds provided from all sources under this Act, the State will--

"(A) assist local educational agencies and schools in providing high-quality education to all children served under this Act to achieve to challenging academic standards;

"(B) give the highest priority to meeting the needs of high-poverty, low-performing local educational agencies (taking into consideration any assistance that

1 such local educational agencies may be receiving under
2 section 2516); and

3 " (C) give special consideration to local
4 educational agencies and other recipients of funds under
5 this Act serving rural and isolated areas.

6 " (b) APPROVAL. The Secretary shall approve a State's
7 application for funds under this subpart if it meets the
8 requirements of subsection (a) and is of sufficient quality
9 to meet the purposes of this subpart. In determining
10 whether to approve a State's application, the Secretary
11 shall take into consideration the advice of peer reviewers.
12 The Secretary shall not disapprove any application under
13 this section without giving the State notice and
14 opportunity for a hearing.

15

16 "STATE USES OF FUNDS

17 "SEC. 2515. (a) IN GENERAL. The State educational
18 agency may use funds provided under this subpart to--

19 " (1) build its capacity (and the capacity of
20 other State agencies that implement programs under this
21 Act) to use technical assistance funds provided under this
22 Act effectively through the acquisition of high-quality
23 technical assistance, and the selection of high-quality

1 technical assistance activities and providers, that meet
2 the technical assistance needs identified by the State;

3 "(2) develop, coordinate, and implement an
4 integrated system--

5 "(A) that provides technical assistance to
6 local educational agencies and other recipients of funds
7 under this Act within the State, directly, through
8 contracts, or through subgrants to local educational
9 agencies, or other recipients of funds under this Act, for
10 activities that meet the purposes of this subpart; and

11 "(B) uses all sources of funds provided for
12 technical assistance, including all sources of such funds
13 under this Act; and

14 "(3) acquire the technical assistance it needs
15 to increase opportunities for all children to achieve to
16 challenging State academic content standards and student
17 performance standards and to implement the State's plan or
18 policies for comprehensive standards-based education
19 reform.

20 "(b) TYPES OF TECHNICAL ASSISTANCE implement programs under this
21 Act and the State's plan or policies for comprehensive
22 standards-based education reform.

1 "(b) TYPES OF TECHNICAL ASSISTANCE. A State's
2 integrated system of providing technical assistance may
3 include assistance on such activities as:

4 "(1) Implementing State standards in the
5 classroom, including aligning instruction, curriculum,
6 assessments, and other aspects of school reform with those
7 standards.

8 "(2) Collecting, disaggregating, and using data
9 to analyze and improve the implementation, and increase the
10 impact, of educational programs.

11 "(3) Conducting needs assessments and planning
12 intervention strategies that are aligned with State goals
13 and accountability systems.

14 "(4) Planning and implementing effective,
15 research-based reform strategies, including schoolwide
16 reforms, and strategies for making schools safe,
17 disciplined, and drug-free.

18 "(5) Improving the quality of teaching and the
19 ability of teachers to serve students with special needs
20 (including educationally disadvantaged students, and
21 students with limited English proficiency).

22 "(6) Planning and implementing strategies to
23 promote opportunities for all children to achieve to

1 challenging State academic content standards and student
2 performance standards.

3

4 "GRANTS TO LARGE LOCAL EDUCATIONAL AGENCIES

5 "SEC. 2516. (a) FORMULA. The Secretary shall
6 allocate the funds under section 2512(2)(B) among the local
7 educational agencies described therein in proportion to the
8 relative amounts allocated to each such local educational
9 agency for Basic Grants under subpart 2 of part A of title I
10 of this Act for the most recent fiscal year.

11 "(b) REALLOCATIONS. If the Secretary determines that
12 any amount of any local educational agency's allocation
13 under subsection (a) will not be required for such fiscal
14 year for carrying out the activities for which such amount
15 has been allocated, the Secretary shall make such amount
16 available for reallocation. Any such reallocation among
17 other local educational agencies described in section
18 2512(2)(B) shall occur on such dates as the Secretary shall
19 establish, and shall be made on the basis of criteria
20 established by regulation. Any amount reallocated to a
21 local educational agency under this subsection for any
22 fiscal year shall remain available for obligation during
23 the succeeding fiscal year, and shall be deemed to be part

1 of the local educational agency's allocation for the year
2 in which the amount is obligated.

3

4 "LOCAL APPLICATION

5 "SEC. 2517. (a) APPLICATION REQUIREMENTS. Each local
6 educational agency described in section 2512(2)(B) that
7 desires a grant under section 2516 shall submit an
8 application to the Secretary at such time, in such
9 manner, and containing such information as the Secretary
10 may require. Each such application shall describe--

11 "(1) the local educational agency's need for
12 technical assistance in implementing programs under this
13 Act (including assistance on the use and analysis of data)
14 and in implementing the State's, or its own, plan or
15 policies for comprehensive standards-based education
16 reform.

17 "(2) how the local educational agency will use
18 the funds provided under this subpart to coordinate all its
19 various sources of funds for technical assistance,
20 including all sources of such funds under this Act and from
21 other sources, into an integrated system for acquiring and
22 using outside technical assistance and other means of
23 building its own capacity to provide the opportunity for all
24 children to achieve to challenging State academic content

1 standards and student performance standards implementing
2 programs under this Act, and implement that system; and

3 "(b) APPROVAL. The Secretary shall approve a
4 local educational agency's application for funds under this
5 subpart if it meets the requirements of subsection (a) and
6 is of sufficient quality to meet the purposes of this
7 subpart. In determining whether to approve a local
8 educational agency's application, the Secretary shall take
9 into consideration the advice of peer reviewers. The
10 Secretary shall not disapprove any application under this
11 section without giving the local educational agency notice
12 and opportunity for a hearing.

13

14 "LOCAL USES OF FUNDS

15 "SEC. 2518. (a) IN GENERAL. A local educational
16 agency described in section 2522(2)(B) may use funds
17 provided under section 2516 to--

18 "(1) build its capacity to use technical
19 assistance funds provided under this Act effectively
20 through the acquisition of high-quality technical
21 assistance and the selection of high-quality technical
22 assistance activities and providers that meet its technical
23 assistance needs;

1 "(2) develop, coordinate, and implement an
2 integrated system of providing technical assistance to its
3 schools using all sources of funds provided for technical
4 assistance, including all sources of such funds under this
5 Act; and

6 "(3) acquire the technical assistance it needs
7 to increase opportunities for all children to achieve to
8 challenging State academic content standards and student
9 performance standards and to implement the State's, or its
10 own, plan or policies for comprehensive standards-based
11 education reform.

12 "(b) TYPES OF TECHNICAL ASSISTANCE. A local
13 educational agency may use funds provided under this
14 subpart for technical assistance activities such as those
15 described in section 2515(b).

16

17 "EQUITABLE SERVICES FOR PRIVATE SCHOOLS

18 "SEC. 2519. (a) INFORMATION AND TRAINING. If a State
19 or local educational agency uses funds under this subpart
20 to—

21 "(1) provide professional development for
22 teachers or school administrators, it shall provide for
23 such professional development for teachers or school

1 administrators in private schools located in the same
2 geographic area on an equitable basis; and

3 "(2) provide information about State educational
4 goals, standards, or assessments, it shall, upon request,
5 provide such information to private schools located in the
6 same geographic area.

7 "(b) WAIVER. If a State or local educational agency
8 is prohibited by law from complying with subsection (a)(1),
9 or the Secretary determines it has substantially failed or
10 is unwilling to comply with subsection (a)(1), the
11 Secretary shall waive subsection (a)(1) and arrange for the
12 provision of such professional development services for
13 such teachers or school administrators, consistent with
14 applicable State goals and standards and section 11706 [was
15 14506] of this Act.

16

17

"CONSUMER INFORMATION

18 "SEC. 2519A. (a) The Secretary shall, through one or
19 more contracts, establish an independent source of consumer
20 information regarding the quality and effectiveness of
21 technical assistance activities and providers available to
22 States, local educational agencies, and other recipients of
23 funds under this Act, in selecting technical assistance
24 activities and providers for their use.

1 technical assistance providers in order to coordinate
2 services and resources;

3 "(2) ensure that the services they provide-

4 "(A) are of high quality;

5 "(B) are cost-effective;

6 "(C) reflect the best information available

7 from research and practice, including findings and

8 applications such as those made available through the

9 Regional Educational Laboratories, Research and Development

10 Centers, National Clearinghouses, and other federally

11 supported providers of technical assistance; and

12 "(D) are aligned with State and local

13 education reform efforts;

14 "(3) in collaboration with State educational

15 agencies in the States served, intermediate educational

16 agencies (where appropriate), and representatives of high-

17 poverty, low-performing urban and rural local educational

18 agencies in each State served, develop a targeted approach

19 to providing technical assistance that gives priority to

20 providing intensive, ongoing services to high-poverty local

21 educational agencies and schools that are most in need of

22 raising student achievement (such as schools identified as

23 in need of improvement);

1 "(A) how to address the specific
2 linguistic, cultural, or other needs of limited English
3 proficient, migratory, Indian, and Alaska Native students;
4 and

5 "(B) educational strategies for enabling
6 those students to achieve to challenging State academic
7 content and performance standards.

8 "(2) SPECIAL EXPERTISE REQUIRED. An entity may
9 receive an award under this section only if it
10 demonstrates, to the satisfaction of the Secretary, that it
11 has expertise in the areas described in paragraphs (1) (A)
12 and (B).

13 "(b) DURATION OF AWARD. Grants, contracts or
14 cooperative agreements under this section shall be awarded
15 for a period of up to 5 years.

16 "(c) CENTER REQUIREMENTS.--(1) IN GENERAL. In order
17 to assist local educational agencies and schools to provide
18 high-quality education to the students described in
19 subsection (a) (1) (A), so that they can achieve to
20 challenging State academic content and performance
21 standards, each center established under this section
22 shall--

23 "(A) maintain appropriate staff expertise;
24 and

1 "(B) provide support, training, and
2 assistance to State educational agencies, tribes, local
3 educational agencies, schools, and other grant recipients
4 under this Act in meeting the needs of the students
5 described in subsection (a)(1)(A), including the
6 coordination of other Federal programs and State and local
7 programs, resources, and reforms.

8 "(2) PRIORITY. Each center assisted under this
9 section shall give priority to providing services to
10 schools, including Bureau of Indian Affairs-funded schools,
11 that educate the students described in subsection (a)(1)(A)
12 and have the highest percentages or numbers of children in
13 poverty and the lowest student achievement levels.

14 "(c) ACCOUNTABILITY. To ensure the quality and
15 effectiveness of the centers supported under this section,
16 the Secretary shall -

17 "(1) develop a set of performance indicators
18 that assesses whether the work of the centers assists in
19 improving teaching and learning under this Act for students
20 described in subsection (a)(1)(A);

21 "(2) conduct surveys every two years of
22 populations to be served under this section to determine if
23 such populations are satisfied with the access to and
24 quality of such services;

1 "(3) collect, as part of the Department's reviews
2 of programs under this Act, information about the
3 availability and quality of services provided by the
4 centers, and share that information with the centers; and

5 "(4) take whatever steps are reasonable and
6 necessary to ensure that each center performs its
7 responsibilities in a satisfactory manner, which may
8 include--

9 "(A) termination of an award under this part
10 (if the Secretary concludes that performance has been
11 unsatisfactory) and the selection of a new center; and

12 "(B) whatever interim arrangements the
13 Secretary determines are necessary to ensure the
14 satisfactory delivery of services under this section.

15 "(d) AUTHORIZATION OF APPROPRIATIONS. For purposes
16 of carrying out this section, there are authorized to be
17 appropriated such sums as may be necessary for fiscal year
18 2001 and for each of the four succeeding fiscal years.

19

20 "PARENTAL INFORMATION AND RESOURCE CENTERS

21 "SEC. 2523. (a) PROGRAM AUTHORITY.--(1) IN GENERAL.

22 The Secretary is authorized to award grants, contracts or
23 cooperative agreements for each fiscal year to nonprofit
24 organizations that serve parents (particularly those

1 organizations that make substantial efforts to reach low-
2 income, minority, or limited English proficient parents) to
3 establish parental information and resource centers that--

4 "(A) coordinate the efforts of Federal,
5 State and local parent education and family involvement
6 initiatives; and

7 "(B) provide training, information, and
8 support to--

9 "(i) (I) State educational agencies;

10 "(II) local educational agencies,
11 particularly local educational agencies with high-poverty
12 and low-performing schools; and

13 "(III) schools, particularly
14 high-poverty and low-performing schools; and

15 "(ii) organizations that support
16 family-school partnerships, such as parent teacher
17 organizations.

18 "(2) AWARD RULE. In making awards under this
19 section, the Secretary shall, to the greatest extent
20 possible, ensure that each State is served by at least one
21 recipient of such an award.

22 "(b) APPLICATIONS.--(1) IN GENERAL. Each nonprofit
23 organization that desires an award under this section shall
24 submit an application to the Secretary at such time, and in

1 such manner, as the Secretary shall determine.

2 " (2) CONTENTS. Each application submitted under
3 paragraph (1) shall, at a minimum, include--

4 " (A) a description of the applicant's
5 capacity and expertise to implement a grant under this
6 section;

7 " (B) a description of how the applicant
8 would use its award to help State and local educational
9 agencies, schools, and non-profit organizations in the
10 State, particularly those making substantial efforts to
11 reach a large number or percentage of low-income, minority,
12 or limited English proficient children--

13 " (i) identify barriers to parent or
14 family involvement in schools, and strategies to overcome
15 those barriers; and

16 " (ii) implement high-quality parent
17 education and family involvement programs that--

18 " (I) improve the capacity of
19 parents to participate more effectively in the education of
20 their children;

21 " (II) support the effective
22 implementation of research-based instructional activities
23 that support parents and families in promoting early
24 language and literacy development; and

1 "(III) support schools in
2 promoting meaningful parent and family involvement;

3 "(C) a description of the applicant's plan
4 to disseminate information on high-quality parent education
5 and family involvement programs to local educational
6 agencies, schools, and non-profit organizations that serve
7 parents in the State;

8 "(D) a description of how the applicant
9 would coordinate its activities with the activities of
10 other Federal, State, and local parent education and family
11 involvement programs and with national, State, and local
12 organizations that provide parents and families with
13 training, information, and support on how to help their
14 children achieve to high academic standards;

15 "(E) a description of how the applicant
16 would use technology, particularly the Internet, to
17 disseminate information; and

18 "(F) a description of the applicant's goals
19 for the center, as well as baseline indicators for each of
20 the goals, a timeline for achieving the goals, and interim
21 measures of success toward achieving the goals.

22 "(c) MATCHING REQUIREMENTS. The Federal share of the
23 cost of any center funded under this section shall not
24 exceed 75 percent. The non-Federal share of the cost of a

1 center may be provided in cash or in-kind, fairly
2 evaluated.

3 "(d) USES OF FUNDS.--(1) IN GENERAL. Recipients of
4 funds awarded under this section shall use such funds to
5 support State and local educational agencies, schools, and
6 non-profit organizations in implementing programs that
7 provide parents with training, information, and support on
8 how to help their children achieve to high academic
9 standards. Such activities may include:

10 "(A) Assistance in the implementation of
11 programs that support parents and families in promoting
12 early language and literacy development and prepare
13 children to enter school ready to learn.

14 "(B) Assistance in developing networks and
15 other strategies to support the use of research-based,
16 proven models of parent education and family involvement,
17 including the 'Parents as Teachers' and 'Home Instruction
18 Program for Preschool Youngsters" programs, to promote
19 children's development and learning.

20 "(C) Assistance in preparing parents to
21 communicate more effectively with teachers and other
22 professional educators and support staff, and providing a
23 means for on-going, meaningful communication between
24 parents and schools.

1 "(D) Assistance in developing and
2 implementing parent education and family involvement
3 programs that increase parental knowledge about standards-
4 based school reform.

5 "(E) Disseminating information on programs,
6 resources, and services available at the national, State,
7 and local levels that support parent and family involvement
8 in the education of their school-age children.

9 "(2) TARGETED ACTIVITIES. Each recipient of
10 funds under this section shall use at least 75 percent of
11 its award to support activities that serve areas with large
12 numbers or concentrations of low-income families.

13 "(e) NATIONAL ACTIVITIES. For any fiscal year, the
14 Secretary may reserve up to 5 percent of funds appropriated
15 to carry out this section for that fiscal year to--

16 "(1) provide technical assistance to the centers
17 funded under this section; and

18 "(2) carry out evaluations of the program
19 authorized by this part.

20 "(f) DEFINITIONS. For purposes of this section--

21 "(1) the term 'parent education' includes parent
22 support activities, the provision of resource materials on
23 child development, parent-child learning activities and
24 child rearing issues, private and group educational

1 guidance, individual and group learning experiences for the
2 parent and child, and other activities that enable the
3 parent to improve learning in the home;

4 "(2) the term 'Parents as Teachers program' means
5 a voluntary early childhood parent education program that--

6 "(A) is designed to provide all parents of
7 children from birth through age 5 with the information and
8 support such parents need to give their child a solid
9 foundation for school success;

10 "(B) is based on the Missouri Parents as
11 Teachers model, with the philosophy that parents are their
12 child's first and most influential teachers;

13 "(C) provides--

14 "(i) regularly scheduled personal
15 visits with families by certified parent educators;

16 "(ii) regularly scheduled developmental
17 screenings; and

18 "(iii) linkage with other resources
19 within the community in order to provide services that
20 parents may want and need, except that such services are
21 beyond the scope of the Parents as Teachers program;

22 "(3) the term 'Home Instruction for Preschool
23 Youngsters program' means a voluntary early-learning

1 program for parents with one or more children between the
2 ages of 3 through 5, that--

3 "(A) provides support, training, and
4 appropriate educational materials necessary for parents to
5 implement a school-readiness, home instruction program for
6 their child; and

7 "(B) includes--

8 "(i) group meetings with other parents
9 participating in the program;

10 "(ii) individual and group learning
11 experiences with the parent and child;

12 "(iii) provision of resource materials
13 on child development and parent-child learning activities;
14 and

15 "(iv) other activities that enable the
16 parent to improve learning in the home.

17 "(g) REPORTS. Each recipient of funds under this
18 section shall annually submit a report to the Secretary, on
19 its activities under this section, in such form and
20 containing such information as the Secretary may reasonably
21 require. A report under this subsection shall include, at
22 a minimum,--

23 "(1) the number and types of activities supported
24 by the recipient with funds received under this section;

1 "(2) activities supported by the recipient that
2 served areas with high numbers or concentrations of low-
3 income families; and

4 "(3) the progress made by the recipient in
5 achieving the goals included in its application.

6 "(h) GENERAL PROVISIONS. Notwithstanding any other
7 provision of this section--

8 "(1) no person, including a parent who educates a
9 child at home, public school parent, or private school
10 parent, shall be required to participate in any program of
11 parent education or developmental screening pursuant to the
12 provisions of this section;

13 "(2) no program assisted under this section shall
14 take any action that infringes in any manner on the right
15 of a parent to direct the education of their children; and

16 "(3) the provisions of section 444(c) of the
17 General Education Provisions Act shall apply to
18 organizations that receive awards under this section.

19 "(i) AUTHORIZATION OF APPROPRIATIONS. For purposes
20 of carrying out this section, there are authorized to be
21 appropriated such sums as may be necessary for fiscal year
22 2001 and for each of the four succeeding fiscal years.

23

1 "EISENHOWER REGIONAL MATHEMATICS AND SCIENCE EDUCATION

2 CONSORTIA

3 "SEC. 2524. (a) PROGRAM AUTHORITY.--(1) IN GENERAL.-

4 - (A) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS

5 AUTHORIZED. The Secretary, in consultation with the

6 Director of the National Science Foundation, is authorized

7 to award grants, contracts, or cooperative agreements to

8 eligible entities to enable such entities to establish and

9 operate regional mathematics and science education

10 consortia for the purpose of--

11 "(i) disseminating exemplary

12 mathematics and science education instructional materials;

13 and

14 "(ii) providing technical assistance

15 for the implementation of teaching methods and assessment

16 tools for use by elementary and secondary school students,

17 teachers and administrators.

18 "(B) NUMBER OF AWARDS. The Secretary, in

19 accordance with the provisions of this subsection, shall

20 award at least one grant, contract, or cooperative

21 agreement to an eligible entity in each region.

22 "(C) SPECIAL RULE. In any fiscal year, if

23 the amount made available pursuant to subsection (h) is

24 less than \$4,500,000, then the Secretary may waive the

1 provisions of subparagraph (B) and award grants, contracts,
2 or cooperative agreements of sufficient size, scope, and
3 quality to carry out this subsection.

4 " (D) DESIGNATION. Each regional consortium
5 assisted under this subsection shall be known as an
6 'Eisenhower regional consortium'.

7 " (2) PERIOD OF AWARD AND REVIEW. Grants,
8 contracts, or cooperative agreements under this section
9 shall be awarded for a period of not more than five years
10 and shall be reviewed before the end of the 30-month period
11 beginning on the date the award is made.

12 " (3) AWARD AMOUNT. In making awards under this
13 section, the Secretary shall ensure that there is a
14 relatively equal distribution of the funds made available
15 among the regions, except that the Secretary may award
16 additional funds to a regional consortium on the basis of
17 population and geographical conditions of the region being
18 served.

19 " (b) USE OF FUNDS. Funds provided under this section
20 may be used by a regional consortium, under the direction
21 of a regional board established under section subsection
22 (d), to--

23 " (1) work cooperatively with the other regional
24 consortia, the Eisenhower National Clearinghouse for

1 Science and Mathematics Education established under **section**
2 _____, and federally funded technical assistance providers,
3 to more effectively accomplish the activities described in
4 this subsection;

5 "(2) assist, train and provide technical
6 assistance to classroom teachers, administrators, and other
7 educators to identify, implement, assess or adapt the
8 instructional materials, teaching methods and assessment
9 tools described in subsection (a)(1)(A);

10 "(3) provide for the training of classroom
11 teachers to enable such teachers to instruct other
12 teachers, administrators, and educators in the classroom
13 use of the instructional materials, teaching methods and
14 assessment tools described in subsection (a)(1)(A);

15 "(4) implement programs and activities designed
16 to meet the needs of groups that are underrepresented in,
17 and underserved by, mathematics and science education;

18 "(5) collect data on activities assisted under
19 this section in order to evaluate the effectiveness of the
20 activities of the regional consortia;

21 "(6) identify exemplary teaching practices and
22 materials from within the region and communicate such
23 practices and materials to the Eisenhower National
24 Clearinghouse for Mathematics and Science Education;

1 "(7) communicate, on a regular basis, with
2 entities within the region who are delivering services to
3 students and teachers of mathematics and science; and

4 "(8) assist in the development and evaluation of
5 State and regional plans and activities that hold promise
6 of bringing about systemic reform in student performance in
7 mathematics and science.

8 "(c) APPLICATION. Each eligible entity desiring a
9 grant or contract under this section shall submit an
10 application to the Secretary at such time, in such
11 manner, and accompanied by such additional information as
12 the Secretary may reasonably require. Each such
13 application shall--

14 "(1) demonstrate that the eligible entity has
15 expertise in the fields of mathematics and science
16 education;

17 "(2) demonstrate that the eligible entity will
18 implement and disseminate mathematics and science education
19 instructional materials, teaching methods, and assessment
20 tools through a consortium of the region's mathematics and
21 science education organizations and agencies;

22 "(3) demonstrate that the eligible entity will
23 carry out the functions of the regional consortium;

1 "(4) demonstrate that emphasis will be given to
2 programs and activities designed to meet the needs of
3 groups that are underrepresented in, and underserved by,
4 mathematics and science education;

5 "(5) demonstrate that the business community in
6 the region served by the regional consortium will play an
7 integral role in designing and supporting the regional
8 consortium's work; and

9 "(6) assure that the eligible entity will conduct
10 its activities and supervise its personnel in a manner that
11 effectively ensures compliance with the copyright laws of
12 the United States under title 17, United States Code.

13 "(d) REGIONAL BOARDS.--(1) IN GENERAL. Each
14 eligible entity receiving an award under this section shall
15 establish a regional board to oversee the administration
16 and establishment of program priorities for the regional
17 consortium established by such eligible entity. Such
18 regional board shall be broadly representative of the
19 agencies and organizations participating in the regional
20 consortium.

21 "(2) PROHIBITION ON USE OF FEDERAL FUNDS. No
22 Federal funds may be used for the establishment or
23 operation of a regional board required by paragraph (1),
24 except that at the discretion of a regional board, Federal

1 funds may be used to provide assistance such as travel and
2 accommodations for board members who could not otherwise
3 afford to participate as members of the board.

4 "(e) PAYMENTS; FEDERAL SHARE; NON-FEDERAL SHARE.--(1)
5 PAYMENTS. The Secretary shall pay to each eligible entity
6 having an application approved under subsection (c) the
7 Federal share of the cost of the activities described in
8 the application.

9 "(2) FEDERAL SHARE. For the purpose of
10 paragraph (1), the Federal share shall be 80 percent.

11 "(3) NON-FEDERAL SHARE. The non-Federal share
12 of the cost of activities described in the application
13 submitted under subsection (c) may be in cash or in-kind,
14 fairly evaluated. At least 10 percent of such non-Federal
15 share shall be from sources other than the Federal
16 Government or State or local government.

17 "(f) EVALUATION.--(1) EVALUATION REQUIRED. The
18 Secretary, through the Office of Educational Research and
19 Improvement and in accordance with section 11801, shall
20 collect sufficient data on, and evaluate the effectiveness
21 of, the activities of each regional consortium.

22 "(2) ASSESSMENT. The evaluations described in
23 paragraph (1) shall include an assessment of the
24 effectiveness of the regional consortium in meeting the

1 needs of the schools, teachers, administrators and
2 students in the region.

3 "(3) REPORT. At the end of each award, the
4 Secretary shall submit to the Congress a report on the
5 effectiveness of the programs conducted at each regional
6 consortium.

7 "(g) DEFINITIONS. For purposes of this part:

8 "(1) The term 'eligible entity' means an entity
9 that has demonstrated expertise in mathematics and science
10 education and is--

11 "(A) a private nonprofit organization;

12 "(B) an institution of higher education;

13 "(C) an elementary or secondary school;

14 "(D) a State or local educational agency;

15 "(E) a regional educational laboratory in
16 consortium with the research and development center

17 established under section 931(c)(1)(B)(i) of the

18 Educational Research, Development, Dissemination, and

19 Improvement Act of 1994; or

20 "(F) any combination of the entities
21 described in subparagraphs (A) through (E).

22 "(2) The terms 'mathematics' and 'science'
23 include the technology education associated with
24 mathematics and science, respectively.

1 "SEC. 2531. (a) IN GENERAL.--(1)(A) With funds
2 appropriated under section 2532 for each fiscal year, the
3 Secretary is authorized to carry out a system, through the
4 World Wide Web and other advanced telecommunications
5 technology, of disseminating information about ways to
6 improve educational practices throughout the Nation.

7 "(B) In designing and implementing the
8 system under this subsection, the Secretary shall seek the
9 input of , that reflects input from students, teachers,
10 administrators and other individuals who participate in, or
11 may be affected by, the Nation's educational system.

12 "(C) The Secretary may carry out the
13 program authorized by this subsection through the award of
14 grants, contracts, or cooperative agreements on a
15 competitive basis.

16 "(2) The system authorized by this subsection
17 shall include information on--

18 "(A) stimulating instructional materials
19 that are aligned with challenging content standards; and

20 "(B) successful and innovative practices
21 in--

22 "(i) instruction;

23 "(ii) professional development;

1 "(iii) challenging academic content and
2 student performance standards;
3 "(iv) assessments;
4 "(v) creative school management; and
5 "(vi) such other areas as the
6 Secretary determines are appropriate.

7 "(3) The Secretary may require the technical
8 assistance providers funded under this part, or under
9 subpart 2 of part B of title III, or the educational
10 laboratories and clearinghouses of the Educational
11 Resources Information Center supported under the
12 Educational Research, Development, Dissemination, and
13 Improvement Act, (notwithstanding any other provision of
14 such part, subpart, or Act) to--

15 "(A) provide information (including
16 information on practices employed in the regions or States
17 served by the providers) for use in the system authorized
18 by this subsection;

19 "(B) coordinate their activities in order
20 to ensure a unified system of technical assistance; or

21 "(C) otherwise participate in the system
22 authorized by this subsection.

23 "(b) ADDITIONAL ACTIVITIES. The Secretary is
24 authorized to carry out additional activities, using

1 advanced telecommunications technologies where appropriate,
2 to assist local educational agencies, State educational
3 agencies, tribes, and other recipients of funds under this
4 Act in meeting the requirements of the Government
5 Performance and Results Act. Such assistance may include
6 information on measuring and benchmarking program
7 performance and student outcomes.

8

9 "AUTHORIZATION OF APPROPRIATIONS

10 "SEC. 2532. For purposes of carrying out this
11 subpart, there are authorized to be appropriated such sums
12 as may be necessary for fiscal year 2001 and for each of
13 the four succeeding fiscal years.

14

15

16 "SUBPART 4 - NATIONAL EVALUATION ACTIVITIES

17

18 "NATIONAL EVALUATION ACTIVITIES

19 "SEC. 2541. The Secretary shall conduct, directly or
20 through grants, contracts, or cooperative agreements, such
21 activities as the Secretary determines necessary to--

22 "(1) determine what constitutes effective
23 technical assistance;

1 "(2) evaluate the effectiveness of the technical
2 assistance and dissemination programs authorized by, or
3 assisted under, this title; and

4 "(3) increase the effectiveness of such technical
5 assistance programs."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-APR-1999 21:18:20.00

SUBJECT: Kosovar Refugee processing and resettlement

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:

Today, I attended an interagency meeting that Scott Busby chaired on this issue that is expected to be discussed at a deputies meeting on Tuesday.

This group had been tasked to develop options and make a recommendation as to how and where Kosovar refugees should be processed. It is proposed to allow Kosovar refugees with family members residing in the US to be admitted to the US as refugees. First, the family member would identify the refugee, then the refugee would need to meet certain admission requirements (security check, medical screening, etc).

The preferred option is to conduct the processing of refugees outside the United States. The State Dept. is in informal discussion with Greece to provide such a facility in Greece. A response is expected sometime tomorrow. If this doesn't work, other options will be explored. This option would allow processing and final decision about a refugees status to take place prior to entry to the US. The second option is to fly refugees to an DOD facility in the US after they have passed initial screening but their processing would continue at the DOD facility somewhere in the US (DOD is still looking at different sites). The last option is to bring refugees directly to the US, parole them into the country, and conduct all processing in the US.

The issue of who will pay for such an operation is pending and agencies will bring recommendations back to the interagency group.

Please let me know if you need further information about this issue.