

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 050 - FOLDER -001

[04/27/1999]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. [partial] (1 page)	04/27/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[04/27/1999]

2009-1006-F
vz128

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 08:57:23.00

SUBJECT: STAFF MEETING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

TEXT:

This morning's DPC Staff Meeting is CANCELLED.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 09:49:35.00

SUBJECT: Ed-Flex Meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CC: Anne Whitworth (CN=Anne Whitworth/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

Loretta will hold a message meeting today at 1:30 p.m. to discuss
Thursday's Ed-Flex event.

Thanks!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert J. Pellicci (CN=Robert J. Pellicci/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:27-APR-1999 09:55:29.00

SUBJECT: LRM RJP60 - - EDUCATION Signing Statement on HR800 Education Flexibility P

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

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

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

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

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

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

TO: KAGAN_E@A1@CD@LNGTWY (KAGAN_E@A1@CD@LNGTWY [UNKNOWN]) (OPD)
READ:UNKNOWN

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

TEXT:

DEPARTMENT OF EDUCATION DRAFT SIGNING STATEMENT ON HR 800 - ED-FLEX
PARTNERSHIP LEGISLATION -- COMMENTS DUE AT 1:00 P.M. TODAY.

----- Forwarded by Robert J. Pellicci/OMB/EOP on 04/27/99
09:50 AM -----

LRM ID: RJP60
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, April 27, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Janet R. Forsgren (for) Assistant Director for
Legislative Reference
OMB CONTACT: Robert J. Pellicci
PHONE: (202)395-4871 FAX: (202)395-6148
SUBJECT: EDUCATION Signing Statement on HR800 Education
Flexibility Partnership Act of 1999

DEADLINE: 1:00 p.m. Tuesday, April 27, 1999
In accordance with OMB Circular A-19, OMB requests the views of your

agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:

DISTRIBUTION LIST

AGENCIES:

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

EOP:

- Barbara Chow
- KAGAN_E
- Jonathan H. Schnur
- Tanya E. Martin
- Bethany Little
- Broderick Johnson
- Barry White
- Wayne Upshaw
- Daniel J. Chenok
- Daniel I. Werfel
- Robert G. Damus
- Charles E. Kieffer
- James J. Jukes
- Janet R. Forsgren

LRM ID: RJP60 SUBJECT: EDUCATION Signing Statement on HR800
 Education Flexibility Partnership Act of 1999
 RESPONSE TO
 LEGISLATIVE REFERRAL
 MEMORANDUM

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

You may also respond by:

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

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

TO: Robert J. Pellicci Phone: 395-4871 Fax: 395-6148
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant):
 395-7362

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

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

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

_____ FAX RETURN of _____ pages, attached to this response sheet=====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D86]ARMS20941223S.136 to ASCII,
The following is a HEX DUMP:

```

FF575043BF040000010A0201000000002050000000EB0D00000000200000AB6965D20C101828652536
ED9873F35FE5B9E6DDE0544E529A5CA63B7A996ADB035713481D0C5361A034FF0CB9A60F0AF94
5E822C784B2FDBF89DA4D6A70926A2785C307294D757D7B386800869CFBCFCE36108D4BB30DA58
F7CFFE9838FB5EC28ED53FEC9F9910D98A22C3E80ACC65E81948559191B2D87875E249D2928E3F
230EB845EF0DD82916E85C2EBD1D2EA5F9762FA1FEB863E354CB57FACD503E1866088BAAAC8CB7
3A858CEC378FD7357EF13FE1695C09149634D0621AD669DE95E09216A05BF3DCF3AB584CCFFA0F
C3AB11103BA0554E6260552BD551D79E9F0E91FF2E5FB41C079DDF891DC7A28667422E629D21D1

```

**STATEMENT ON THE SIGNING OF H.R. 800,
THE EDUCATION FLEXIBILITY PARTNERSHIP ACT**

Today, I am pleased to sign into law H.R. 800, the "Education Flexibility Partnership Act of 1999". This bill will enable all the States, the District of Columbia, the Commonwealth of Puerto Rico, and the Outlying Areas to participate in "ED-Flex" partnerships, a goal that I strongly support.

As States and communities continue the process of implementing education reforms that enable all children to achieve to challenging State academic standards, it is important that States and school districts have the ability to use resources to meet their particular needs. Although current Federal education programs offer a high degree of flexibility, there will always be requirements that do not fit the circumstances of each and every school or district. The ED-Flex authority gives States the ability to waive requirements that stand in the way of implementing reforms, if they determine that waivers will promote educational achievement.

As this measure moved through Congress, my Administration insisted that expanded flexibility be accompanied by strong accountability for results. I am pleased that the final bill includes the kind of accountability provisions we sought. It will permit the Secretary of Education to grant ED-Flex status only to States that have developed challenging education standards as well as assessments for measuring student and district progress against those standards, or are on track for doing so. It will also require States to measure the impact of their waivers on student performance and the Secretary to terminate a State's ED-Flex status if he determines that education performance in the State has not been adequate.

I am also pleased that the bill would ease requirements related to the participation of small school districts in the Class Size Reduction program that this Administration proposed and Congress enacted last year. These changes will enable more school districts to take part in this important new initiative.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert J. Pellicci@EOP@LNGTWY@LNGTWY (Robert J. Pellicci@EOP@LNGTWY@LNGTWY

CREATION DATE/TIME:27-APR-1999 10:14:27.00

SUBJECT: LRM RJP60 - - EDUCATION Signing Statement on HR800 Education Fl

TO: Elena Kagan@eop (. Elena Kagan@eop [OPD])

READ:UNKNOWN

TEXT:

Message Creation Date was at 27-APR-1999 09:55:00

DEPARTMENT OF EDUCATION DRAFT SIGNING STATEMENT ON HR 800 - ED-FLEX
PARTNERSHIP

LEGISLATION -- COMMENTS DUE AT 1:00 P.M. TODAY.

----- Forwarded by Robert J. Pellicci/OMB/EOP on 04/27/99
09:50 AM -----

LRM ID: RJP60

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Tuesday, April 27, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Robert J. Pellicci

PHONE: (202)395-4871 FAX: (202)395-6148

SUBJECT: EDUCATION Signing Statement on HR800 Education Flexibility
Partnership Act of 1999

DEADLINE: 1:00 p.m. Tuesday, April 27, 1999

In accordance with OMB Circular A-19, OMB requests the views of your
agency on

the above subject before advising on its relationship to the program of
the

President. Please advise us if this item will affect direct spending or
receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of
the

Omnibus Budget Reconciliation Act of 1990.

COMMENTS:

DISTRIBUTION LIST

AGENCIES:

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

EOP:

Barbara Chow

KAGAN_E

Jonathan H. Schnur

Tanya E. Martin
 Bethany Little
 Broderick Johnson
 Barry White
 Wayne Upshaw
 Daniel J. Chenok
 Daniel I. Werfel
 Robert G. Damus
 Charles E. Kieffer
 James J. Jukes
 Janet R. Forsgren

LRM ID: RJP60 SUBJECT: EDUCATION Signing Statement on HR800 Education
 Flexibility Partnership Act of 1999
 RESPONSE TO
 LEGISLATIVE REFERRAL
 MEMORANDUM

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

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to
 voice
 mail if the analyst does not answer); or
 - (2) sending us a memo or letter
- Please include the LRM number shown above, and the subject shown below.

TO: Robert J. Pellicci Phone: 395-4871 Fax: 395-6148
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-7362

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

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

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

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

TEXT:

The following attachments were included with this message:

TYPE : FILE
NAME : EDflex.wpd

===== END ATTACHMENT 1 =====

===== ATTACHMENT 2 =====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D13]ARMS24886223D.136 to ASCII,
The following is a HEX DUMP:

FF575043BF040000010A02010000000205000000EB0D000000020000AB6965D20C101828652536
ED9873F35FE5B9E6DDE0544E529A5CA63B7A996ADB035713481D0C5361A034FF0CB9A60F0AF94
5E822C784B2FDBF89DA4D6A70926A2785C307294D757D7B386800869CFBCFCE36108D4BB30DA58
F7CFFE9838FB5EC28ED53FEC9F9910D98A22C3E80ACC65E81948559191B2D87875E249D2928E3F

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

Automated Records Management System
Hex-Dump Conversion

TEXT:

The following attachments were included with this message:

TYPE	: FILE
NAME	: EDflex.wpd

**STATEMENT ON THE SIGNING OF H.R. 800,
THE EDUCATION FLEXIBILITY PARTNERSHIP ACT**

Today, I am pleased to sign into law H.R. 800, the "Education Flexibility Partnership Act of 1999". This bill will enable all the States, the District of Columbia, the Commonwealth of Puerto Rico, and the Outlying Areas to participate in "ED-Flex" partnerships, a goal that I strongly support.

As States and communities continue the process of implementing education reforms that enable all children to achieve to challenging State academic standards, it is important that States and school districts have the ability to use resources to meet their particular needs. Although current Federal education programs offer a high degree of flexibility, there will always be requirements that do not fit the circumstances of each and every school or district. The ED-Flex authority gives States the ability to waive requirements that stand in the way of implementing reforms, if they determine that waivers will promote educational achievement.

As this measure moved through Congress, my Administration insisted that expanded flexibility be accompanied by strong accountability for results. I am pleased that the final bill includes the kind of accountability provisions we sought. It will permit the Secretary of Education to grant ED-Flex status only to States that have developed challenging education standards as well as assessments for measuring student and district progress against those standards, or are on track for doing so. It will also require States to measure the impact of their waivers on student performance and the Secretary to terminate a State's ED-Flex status if he determines that education performance in the State has not been adequate.

I am also pleased that the bill would ease requirements related to the participation of small school districts in the Class Size Reduction program that this Administration proposed and Congress enacted last year. These changes will enable more school districts to take part in this important new initiative.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sean P. O'Shea (CN=Sean P. O'Shea/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 27-APR-1999 11:01:08.00

SUBJECT: AGENCY UPDATE - COLORADO SCHOOL SHOOTING

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

READ: UNKNOWN

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

READ: UNKNOWN

TO: Katharine Button (CN=Katharine Button/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

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

READ: UNKNOWN

TO: Trooper Sanders (CN=Trooper Sanders/O=OVP@OVP [UNKNOWN])

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ: UNKNOWN

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

TEXT:

April 27, 1999
As of: 10:30a.m.

MEMORANDUM FOR DISTRIBUTION

FROM: KRIS BALDERSTON
SEAN P. O'SHEA

SUBJECT: Colorado School Shooting - Agency Updates

On Thursday, April 29, the students of Columbine will join students at Chatfield High School for classes. Four (4) funerals were held yesterday, and two (2) more will be held today, Tuesday, April 27. More funerals are planned throughout the week. In addition, radio stations and local companies are collecting funds to help assist families to deal with the economic component of this tragedy. As reports become available, we will circulate.

The Department of Justice

Justice expects a request from Colorado today for federal funds to address additional security both in and around the school, especially with respect to student concerns at local proms. In addition, this money would aid in

helping increase security at counseling centers, additional bomb sweeps, responses to bomb threats, law enforcement overtime, and other security related costs. The request is expected to be around \$750,000 to \$1,000,000.

The Department of Health and Human Services

At 11:21am (Mountain time) today, April 27, the time during which the original shootings began last week, there will be a moment of silence for 30 seconds throughout the Denver Metro area. Churches that have bells will toll 15 times; one for each victim.

It is estimated that 10,000 people will need long term counseling after this tragedy.

The Department of Education

Bill Modzeleski, of the DOEd's Safe and Drug Free Schools, is in Colorado with a team of other federal officials who have experience in dealing with similar tragedies, advising local officials on long term recovery efforts.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 11:06:19.00

SUBJECT: Team Leaders Meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

The DPC Team Leaders Meeting for Monday, May 3, is CANCELLED.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 11:57:38.00

SUBJECT: Public Charge

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

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

TEXT:

Groups rep. who have been involved in our discussions on public charge have requested that we consult with them prior to publication of the public charge proposed regulation and INS field guidance. In light of our legal constraints, we consulted with OIRA and they advised us that it would be appropriate for a group to meet with INS to review the draft INS field guidance. The INS meeting would be followed with a meeting with WH and OMB staff to hear from the group reps their comments on the draft public charge guidance. This meeting would be a very small group of people who have met previously on this issue. The meetings will likely take place next week. I will let you know when they are scheduled.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 12:07:52.00

SUBJECT: Tobacco Free Kids report to come out TOMORROW

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

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

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

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

TEXT:

Here's the Campaign summary-in-progress of their report they plan to release tomorrow on how few states are using tobacco settlement funds to reduce youth smoking. They're hoping for a Post story to run tomorrow morning. Two questions for you:

(1) From this info, what would you suggest is the most compelling one sentence sound bite? Perhaps "In recent months, only four states have decided to use tobacco settlement funds to reduce youth smoking, and unless Congress and the states act, only 9 states will have comprehensive efforts to reduce youth smoking."

(2) How can we help amplify? We'll obviously do a Q&A. Any other thoughts?===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
WPC

thoughts?

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

TEXT:

WPC

Q\$ArHUpzD_tF=4dRB;h[]+FP\oe)H

ta6.B0 liv?!/Nh]ElX-*YiVIEkeT<"g>Wr)N`

D'cIx5+!7XU,?

?FQbfr'AyO?n4X%V&jot^B-H

&!qd^9?6w@-(F2 U(m(ZjXc+JCG7'fu)YDND._

#Y~Vd+sDvzXa-ow07[*eG81`3uXOQ6Ql?v=d*y]#UN

%0(!U<!U*]w@4\\PS-6\212AWINSPOOL,,,,,

0^7(hH

Z6Times New Roman RegularX(\$ \ ` \$Times NewRoman%2A`Arial

EDEDDo&3|x

!XXXX□DRA□

□□□

FTE=DRAFTDRAFTDRAFT □□T@4

□<DL!T\$&)\+ -□0d24XT#XXXX#XXXX

T@4

□<DL!T\$&)\+ -□0d24XTXX#Y#OTHEAFTERMATHOFTHESTATESTOBACCOSETTLEMENT:

REPORTCARD ARECORDOPROMISESBROKENANDANOPPORTUNITYLOSTLastNovember46statessettledthecases they had filed against the tobacco companies. When the states first filed suit against the tobacco companies, elected officials from each of the states said that they were doing so to prevent another generation of children from becoming addicted to tobacco and to reduce the amount their citizens were spending to treat tobacco caused disease. When the states settled their cases, they promised that the settlement was just the first step in their effort to reduce tobacco use, particularly among children. Through their Attorneys General they pledged that the funds from the settlement created an historic opportunity to use the tobacco companies own money to reduce tobacco use even though the Agreement that they had just signed did not dictate how to spend the money. Five months later, how are the states doing in fulfilling their promises? While many legislatures are still in session and some states have deferred action on how to spend the settlement money until next year, it is not too early to come to some preliminary conclusions. If current trends continue, the vast majority of the states will spend little or none of the tobacco settlement money on programs intended to prevent children from starting or helping current tobacco users to quit. Thus, this report documents a trail of broken promises and a public health tragedy in the making. In at least one third (17) of all states, the legislature has already decided or the Governor or senior legislative leaders have proposed to spend nothing or less than 2% of the tobacco settlement dollar to tobacco prevention efforts. In these states the debate has been dominated by proposals for spending the money on everything but the purposes for which the lawsuits were brought. They include, for example, proposals to reduce the cartax in Rhode Island, property tax reductions in Connecticut, college scholarships in Michigan, water projects and plans to renovate the state morgue in North Dakota, state employee payroll demands and healthcare for prisoners in South Dakota, debt reduction in Louisiana, Idaho and New York; school construction in Colorado and Washington, D.C, teachers retirement funds in Oklahoma, a new governmental department in Georgia, juvenile detention facilities in Alabama, sidewalk repair in Los Angeles, California, and public employees insurance in West Virginia. Another 7 states have adopted or appear likely to adopt proposals in which tobacco prevention programs will have to compete each year against a menu of other programs for funds (Kansas, Missouri, Nebraska, Wyoming, Oregon, North Carolina and Arkansas). In these states, there is no guarantee that tobacco prevention will receive any funds in any given year, bringing to 24 the number of states in which there is no proposal currently being seriously considered to guarantee the use of the tobacco settlement funds to reduce tobacco use, even among children. The findings are not all negative. There are four states that have already made commitments to fund tobacco prevention programs beyond a minimal level. Maryland, Montana and Virginia have completed their legislative session. Maryland appropriated \$21 million for tobacco prevention programs next year; Montana appropriated \$3.5 million for these programs and Virginia allocated 10% of its settlement funds for this purpose. These are each significant commitments even though the funding levels fall well below the minimum level recommended by the U.S. Centers for Disease Control and Prevention. -)4 Themostsignifica

nt legislative action to date has occurred in the State of Washington where the legislature has budgeted \$100 million for tobacco prevention and control out of the first \$323 million that it receives from the tobacco settlement. There are also serious proposals to fund strong tobacco prevention programs currently being debated in 8 other states (New Jersey, Vermont, Ohio, Nevada, New Hampshire, Wisconsin, Minnesota and Hawaii). The outcome in each of these states is too close to call. In addition, Mississippi is in the first year of a well funded two year pilot project so that it is premature to draw any long term conclusions about what will happen there. In 10 states the decision about how to spend the tobacco settlement money has been deferred at least until next year and there has been too little discussion of how they plan to spend the money to reliably predict any specific outcome. In three of those states (Utah, Iowa and New Mexico), action was deferred after a serious debate in which the legislature was unable to reach a consensus. Of 6 states which took the lead in the tobacco settlement negotiations last Fall (Washington, New York, North Dakota, Colorado, Pennsylvania, California), only one (Washington) currently has plans to spend a significant amount of money on tobacco prevention efforts; Of the four states that already have comprehensive tobacco prevention programs which have published results demonstrating their effectiveness (Florida, Oregon, Massachusetts and California), not one has decided to use funds from the settlement to enhance their program next year even though the programs in California and Massachusetts have seen their funding decline in recent years; It now even appears that Florida will cut the funding for its highly successful one year old program by 35% (from \$70 million a year to \$45 million a year). This decision comes only weeks after the release of a report that the program last year produced the single greatest one year decline in youth smoking in the United States. Washington is the only state that has adopted a proposal to spend enough on tobacco prevention and cessation to create a program comparable to the programs in the four states which have demonstrated that comprehensive tobacco prevention programs can reduce tobacco use. Florida, Oregon, Massachusetts, or California in recent years; There is a substantial disparity between the state legislature's actions and the desires of the public. For example, in Florida, 78% of the public supported funding the tobacco program at or above its 1998 level, but the legislature still cut the program's funds by 35%; in Alaska 86% of the public support spending one third of the funds (\$8.2 million) on tobacco prevention, but the legislature is poised to spend less than a fraction of that amount for this purpose. These examples are typical of public sentiment throughout the nation. Congress is seriously considering waiving the federal government's claim to a substantial portion of the tobacco settlement funds without requiring that the states spend any of the money on programs to reduce tobacco use. The federal government has paid and will continue to pay over 50% of the Medicaid costs related to tobacco caused disease. The states brought these cases with great fanfare. They were going to forever alter how our government responded to the problem of tobacco among our children. Yet, unless the current trend is reversed in the remaining days of the ongoing state legislative sessions or unless the Congress insists that a portion of the funds for which the federal government has a claim be spent on programs to reduce tobacco use, this opportunity to prevent another generation of children from becoming addicted to tobacco will be lost. If that occurs, the only winners will be the tobacco companies. This debate is taking place at a time when the need for the state to take strong action to prevent tobacco use among our children is even greater than when the states first began these lawsuits in 1994. Tobacco use among teenagers is higher today than it was five years ago. Ironically, the failure of the state to seize this historic opportunity also comes at a time when the evidence that comprehensive tobacco prevention programs do work has become incontrovertible. In the last three months studies from Florida and Oregon have been added to earlier studies from Massachusetts and California to demonstrate that these programs can reduce tobacco use among both children and adults. Three states! Colorado, North Dakota and Washington that took the lead in the negotiations that led up to the November 1998 settlement illustrate well what has occurred since the settlement was announced. Then Colorado Attorney General Gale Norton was a critical player in the negotiations from the beginning. Even before the negotiations ended she created a Task Force in Colorado that included every element of the public health community and the health care community to recommend how best to spend the state's recovery. Acting with unanimous consent the Task Force recommended and Attorney General Norton endorsed a proposal to spend one third of the funds on tobacco prevention and two thirds of the money on state health care and children's needs. Yet, when Governor Bill Owens introduced his budget for the state, he consulted none of the members of the Task Force and his proposal included not one penny for tobacco prevention, setting off an intense, still unresolved debate in the legislature. North Dakota Attorney General Heidi Heitkamp also played a unique role in the negotiations with the tobacco companies. She

represented states that were too small to sue the tobacco companies on their own. As a result of hereffortssmallstatesreceivedlargerpercapitapaymentsfromthesettlementbecauseAttorneyGeneralHeitkampsuccessfullyarguedthatthereisacertainminimumleveloffundingneededtorunaneffectivetobaccopreventionprograminasmallstate. WhatdoesNorthDakotawant to do with its money? Notone penny has been committed to tobacco prevention. With the support of Governor Ed Shafer, the North Dakota House has recently endorsed a proposal to spend 45% of the funds for water projects, another 45% for public education, and 10% for public health initiatives. While some of the funds earmarked for public health initiatives could eventually be spent on tobacco prevention, the Administration in North Dakota has recently floated the idea of spending a significant portion of those funds to renovate the state morgue. The State of Washington presents a different picture. Attorney General Christine Gregoire led the state negotiating team last year. Later, she and Governor Gary Locke helped produce and then lined up solidly behind a plan to provide substantial funding for a strong tobacco prevention program. The entire local health community endorsed their program and after some negotiation and compromise, the state Senate appropriated \$100 million for this program. However, when the proposal got to the state House, the fight began. House Republicans proposed cutting the program's funding to \$5 million. Eventually the House passed a bill without a specific dollar amount, leaving the fate of the tobacco prevention program up in the air until the final days of the legislative session. Then, on the last day of the session, the Governor and Attorney General succeeded in persuading the legislature to budget the full \$100 million out of the first \$323 million the state receives for tobacco prevention. With this action, Washington has taken the first step in putting in place in Washington a tobacco prevention program comparable to those that have worked elsewhere. Washington illustrates what can be accomplished with the tobacco settlement funds, but also demonstrates how difficult it will be to sustain funding for tobacco prevention programs even when the state's highest officials are solidly committed to the effort. Four other states! Florida, Massachusetts, Utah and Texas! that were early leaders in the fight against the tobacco companies are also illustrative of how the effort to reduce tobacco use among children has been captured by state political interests. Florida settled with the tobacco companies in 1997. With the funds from the settlement the Governor Lawton Chiles and Attorney General Bob Butterworth funded a two year pilot project. Much of the first year was spent planning. The program was implemented and funded at \$70 million dollars in the second year. The results were nothing short of spectacular. In one year tobacco use among middle school students plummeted by 19% and fell by 8% among high school students. Initially, continued funding for the program seems secure when Governor Jeb Bush proposed spending \$61.5 million for the program. Nonetheless, key Republican leaders in the legislature proposed eliminating all funding for the program and on the very day that the program's positive results were announced, the head of the program was suddenly terminated. The Florida Senate went along with Governor Bush's recommendation, but the House only agreed to fund the program at \$30 million a year. A Conference Committee has now recommended slashing the program's budget to \$45 million, a cut of 35% despite the program's unprecedented success. Massachusetts has funded a state wide tobacco prevention program since 1993 with funds from the state's tobacco excise tax. The program has resulted in a decline in tobacco use in Massachusetts that is four times the national average and led to far lower tobacco use rates among Massachusetts children than the national average. Nonetheless, funding for the program has declined over the last four years by 25% from \$43.1 million a year to \$31 million a year. The settlement provided an opportunity to reverse that trend and enhance one of the most successful programs in the nation. What happened? Governor Paul Cellucci did not propose spending any additional money on the program. The only funds Governor Cellucci has proposed using for tobacco related purposes is a \$500,000 grant to study the effectiveness of the program. Utah demonstrates just how contentious some of the state debates have become. This year the Utah legislature passed and Governor Michael Leavitt signed a bill delaying any decisions on how the state will spend the tobacco settlement funds until next year. At the time the bill was passed the Legislature approved a non-binding resolution that serious consideration should be given to allocating some portion of the tobacco settlement funds to tobacco prevention and substance abuse programs. S173 was enacted only after a heated dispute between Republican legislators and Attorney General Jan Graham over how to spend the settlement funds. Before the compromise was reached, Attorney General Graham publicly criticized the legislature for not agreeing to spend a significant portion of the funds on programs to reduce tobacco use. The Legislature responded by cutting the Attorney General's budget and legal authority to pursue civil litigation. Texas was the third state to settle with the tobacco companies. Texas has already received \$1.2 billion and will receive between \$325 and \$580 million

illionayearannually. Like Florida and Mississippi, the Texas settlement included a provision for a pilot tobacco prevention project. Two hundred million dollars was set aside in Texas settlement agreement for the pilot project. Yet, when the issue arrived at the Texas legislature, two key legislators proposed placing the \$200 million into an endowment and funding all tobacco prevention programs now and in the future solely out of the interest from the endowment. Thus, in a state larger than Florida, the proposal would also spend no more than \$10 million a year on tobacco prevention. The same proposal would also only devote \$200 million to tobacco prevention out of the more than \$17 billion the state is to receive from the tobacco companies over the next twenty-five years. The issue has not yet been resolved. Governor George W. Bush has yet to take a position. This report truly represents a mid-term report. It documents what has occurred to date, but it also reminds us that the most critical decisions remain to be made in many states. If current trends continue, our nation will miss out on a historic opportunity and the cases that the states brought with such promise and hope will in the long run accomplish far less than a fundamental change. The losers will be both our nation's children and the taxpayers of every state who will see the effect on their tax bill as the amount the state spends on tobacco-caused disease continues to rise. The results of this study are cause for concern. Without the vigorous effort of tobacco control advocates and key public officials, the results doubtless would be even worse. However, it is still possible to reverse the trend that this report documents. A majority of state legislatures have not yet made their final decisions about how to spend the tobacco settlement funds; others have the opportunity to refocus their spending when they meet next year. Washington also has a role to play. If the states won't keep their promise to American children, it is time that the Congress stepped up to the plate. Last year Congress had the opportunity to pass comprehensive tobacco prevention legislation and failed to do so. This year Congress again has the chance to make a difference.

.h) 5 The federal government pays for \$.57 of every Medicaid dollar and has a claim to a portion of the state tobacco settlement funds. No matter how state officials may now want to characterize these cases, they were prompted by an effort to seek reimbursement from the tobacco companies for the billions of dollars the states and the federal government have spent and will spend through the Medicaid program treating tobacco-caused disease. The federal government can and should have a say in how at least a portion of these funds are spent. Based on this report, it is now clear that unless the federal government requires that at least a portion of the settlement money be spent on preventing tobacco use, the federal government's tobacco-caused Medicaid bill will continue to rise uncontrollably. States that have decided to spend nothing or virtually nothing on tobacco prevention programs whose Governor has proposed and could succeed; Alabama Arizona California Colorado Connecticut Washington, DC Delaware Georgia Idaho Michigan Maine New York North Dakota Rhode Island South Carolina South Dakota Tennessee West Virginia #XXO##XXXX9#XXXXXX#3K#O#XXFL# #XXXXK#

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 13:29:12.00

SUBJECT: For today's 2pm -- other ESEA issues that Tanya and I have not been able t

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

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

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

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

TEXT:

Here are the remaining issues that either Tanya, Bethany, and I have been pushing with Education that have not been agreed-to, or that we need to confirm . We dropped other concerns that they opposed because they just weren't a big enough deal. If you are Ok with these, we'd like to raise at today's 2pm.

1) Troops to Teachers:

a) The Name of the program. We suggested that the name of the program be changed from "Transition to Teaching" to "Troops to Teachers: Transition to Teaching". Education reponded that they would rather not, and Mike reiterated that in last week's meeting, stating that this is primarily about other mid-career professionals not troops. This is NOT consistent with agreements we worked out with ann O'Leary and other ED staff that about half of these \$ would be used for Troops.

b) Who gets the \$ for Troops. Currently, it is not clear to whom the \$ for the expanded Troops program -- including the stipends and other support -- would be given. Right now, the language only appears to envision a \$1 million contract from Education to Defense and no mechanism or language for providing the larger amount needed to expand the program.

2) Title II and Title I. --permitting alternative certification like Teach for America,high quality alternative certification programs . Right now, the bill would say that states need to get within 4 years 95% of their teachers in public schools a) certified, or b) have a college degree and are enrolled in a program (including an alternative certification program) leading to full certification in their field within two years).

This will be problematic for teach for America and high-quality alternative certification programs that do not lead to certification within 2 years. We recommended saying teachers could be considered "qualified" if they have a college degree and are in alternative certification programs determined by the state or school district to provide qualified teachers with the training and support needed to succeed in the classroom. Education said no to this.

3)Report cards. We suggested changing language to require comparisons of

progress made by the school in improving the achievement of its students. These demonstrated gains are often a more accurate reflection of the school's improvement than a straight comparison of overall performance to other schools. Education initially said no, though Ann O'Leary seemed to be OK with it i

4) Safe and Drug-Free Schools. - Alternative placements. Are we ok with requiring schools to provide alternative education placements for students suspended under the Gun-Free schools act?

5) Tobacco. Make sure that OMB/ED have fix on the tobacco issue suggested by Cythina Rice that Elena ok'd. i.e. requiring that schools and school events be tobacco, drug and alcohol free.

6) Bilingual -- OMB has raised two concerns about the implementation of the three-year goal in Title VII that we share. Moreover, make sure that Education put in language reflecting our agreement about the use of english-language tests.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 13:48:09.00

SUBJECT: LRM RJP60 - - EDUCATION Signing Statement on HR800 Education Flexibility P

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

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

TEXT:

I assume that one of you is commenting on this? Should I be doing anything to help?

----- Forwarded by Jonathan H. Schnur/OPD/EOP on 04/27/99
01:48 PM -----

Robert J. Pellicci
04/27/99 09:55:27 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: Janet R. Forsgren/OMB/EOP @ EOP
Subject: LRM RJP60 - - EDUCATION Signing Statement on HR800
Education Flexibility Partnership Act of 1999

DEPARTMENT OF EDUCATION DRAFT SIGNING STATEMENT ON HR 800 - ED-FLEX
PARTNERSHIP LEGISLATION -- COMMENTS DUE AT 1:00 P.M. TODAY.

----- Forwarded by Robert J. Pellicci/OMB/EOP on 04/27/99
09:50 AM -----
LRM ID: RJP60
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Tuesday, April 27, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: Janet R. Forsgren (for) Assistant Director for
Legislative Reference
OMB CONTACT: Robert J. Pellicci
PHONE: (202)395-4871 FAX: (202)395-6148
SUBJECT: EDUCATION Signing Statement on HR800 Education
Flexibility Partnership Act of 1999

DEADLINE: 1:00 p.m. Tuesday, April 27, 1999
In accordance with OMB Circular A-19, OMB requests the views of your
agency on the above subject before advising on its relationship to the

program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS:

DISTRIBUTION LIST

AGENCIES:

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

EOP:

- Barbara Chow
- KAGAN_E
- Jonathan H. Schnur
- Tanya E. Martin
- Bethany Little
- Broderick Johnson
- Barry White
- Wayne Upshaw
- Daniel J. Chenok
- Daniel I. Werfel
- Robert G. Damus
- Charles E. Kieffer
- James J. Jukes
- Janet R. Forsgren

LRM ID: RJP60 SUBJECT: EDUCATION Signing Statement on HR800 Education Flexibility Partnership Act of 1999

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

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

You may also respond by:

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

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

TO: Robert J. Pellicci Phone: 395-4871 Fax: 395-6148 Office of Management and Budget Branch-Wide Line (to reach legislative assistant): 395-7362

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

The following is the response of our agency to your request for views on

the above-captioned subject:

- Concur
- No Objection
- No Comment
- See proposed edits on pages _____
- Other: _____
- FAX RETURN of _____ pages, attached to this response sheet

Message Sent

To: _____
 KAGAN_E @ A1@CD@LNGTWY
 Jonathan H. Schnur/OPD/EOP @ EOP
 Tanya E. Martin/OPD/EOP @ EOP
 Bethany Little/OPD/EOP @ EOP
 Broderick Johnson/WHO/EOP @ EOP
 Robert G. Damus/OMB/EOP @ EOP
 Charles E. Kieffer/OMB/EOP @ EOP

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

TEXT:
 Unable to convert ARMS_EXT:[ATTACH.D47]ARMS28017523W.136 to ASCII,
 The following is a HEX DUMP:

```

FF575043BF040000010A02010000000205000000EB0D000000020000AB6965D20C101828652536
ED9873F35FE5B9E6DDE0544E529A5CA63B7A996ADBD035713481D0C5361A034FF0CB9A60F0AF94
5E822C784B2FDBF89DA4D6A70926A2785C307294D757D7B386800869CFBCFCE36108D4BB30DA58
F7CF9E9838FB5EC28ED53FEC9F9910D98A22C3E80ACC65E81948559191B2D87875E249D2928E3F
230EB845EF0DD82916E85C2EBD1D2EA5F9762FA1FEB863E354CB57FACD503E1866088BAAAC8CB7
3A858CEC378FD7357EF13FE1695C09149634D0621AD669DE95E09216A05BF3DCF3AB584CCFFA0F
C3AB11103BA0554E6260552BD551D79E9F0E91FF2E5FB41C079DDF891DC7A28667422E629D21D1
D279BA33CCE4A235859B9471C33CF72B233A1B091256305903119A0CC0D360CA0920395AF8EE72
  
```

**STATEMENT ON THE SIGNING OF H.R. 800,
THE EDUCATION FLEXIBILITY PARTNERSHIP ACT**

Today, I am pleased to sign into law H.R. 800, the "Education Flexibility Partnership Act of 1999". This bill will enable all the States, the District of Columbia, the Commonwealth of Puerto Rico, and the Outlying Areas to participate in "ED-Flex" partnerships, a goal that I strongly support.

As States and communities continue the process of implementing education reforms that enable all children to achieve to challenging State academic standards, it is important that States and school districts have the ability to use resources to meet their particular needs. Although current Federal education programs offer a high degree of flexibility, there will always be requirements that do not fit the circumstances of each and every school or district. The ED-Flex authority gives States the ability to waive requirements that stand in the way of implementing reforms, if they determine that waivers will promote educational achievement.

As this measure moved through Congress, my Administration insisted that expanded flexibility be accompanied by strong accountability for results. I am pleased that the final bill includes the kind of accountability provisions we sought. It will permit the Secretary of Education to grant ED-Flex status only to States that have developed challenging education standards as well as assessments for measuring student and district progress against those standards, or are on track for doing so. It will also require States to measure the impact of their waivers on student performance and the Secretary to terminate a State's ED-Flex status if he determines that education performance in the State has not been adequate.

I am also pleased that the bill would ease requirements related to the participation of small school districts in the Class Size Reduction program that this Administration proposed and Congress enacted last year. These changes will enable more school districts to take part in this important new initiative.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 14:06:12.00

SUBJECT: Re: Tobacco Free Kids report to come out TOMORROW

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

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

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

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

TEXT:
Here's a revised version Matt just sent me.

Cynthia A. Rice
04/27/99 12:07:41 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Laura
Emmett/WHO/EOP
cc: J. Eric Gould/OPD/EOP
Subject: Tobacco Free Kids report to come out TOMORROW

Here's the Campaign summary-in-progress of their report they plan to release tomorrow on how few states are using tobacco settlement funds to reduce youth smoking. They're hoping for a Post story to run tomorrow morning. Two questions for you:

(1) From this info, what would you suggest is the most compelling one sentence sound bite? Perhaps "In recent months, only four states have decided to use tobacco settlement funds to reduce youth smoking, and unless Congress and the states act, only 9 states will have comprehensive efforts to reduce youth smoking."

(2) How can we help amplify? We'll obviously do a Q&A. Any other thoughts?

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

TEXT:

WPC

Q\$ArHUpzD_tF=4dRB;h□j+FP\oe)H

ta6.B0 liV?!/Nh]ElX-*YiVIEkeT<"g>Wr)N`

D'cIx5+!7XU,?

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

TEXT:

WPC

Q\$ArHUpzD_tF=4dRB;h□j+FP\oe)H

ta6.B0 liV?!/Nh]ElX-*YiVIEKeT<"g>Wr)N` D'cIx5+!7XU,?

?FQbfr'AyO?n4X*V&j□oT^B-H

&!qd^9?6w@-(F2 U(m(ZjXc+JCG7'fu)YDND._

#Y-Vd+sDvzXa-oW07[*eG81`3uXOQ6Ql?v=d*y]#UN %0(!U<!U*]w@4\\PS-6\212AWINSPOOL,,,,
0^7(hH

Z6Times New Roman RegularX(\$\ ` \$Times NewRoman%2A`Arial

EEDDDo&3|x

!XXXX□DRA□

□□□

FTE=DRAFTDRAFTDRAFT □□T@4

□<DL!T\$&)\+-□0d244XT#XXXX#XXXX

T@4

□<DL!T\$&)\+-□0d244XTXX#Y#OTHEAFTERMATHOFTHESTATES TOBACCO SETTLEMENT:

REPORTCARD ARECORD OF PROMISES BROKEN AND AN OPPORTUNITY LOST Last November 46 states set
led the cases they had filed against the tobacco companies. When the states first filed suit ag
ainst the tobacco companies, elected officials from each of the states said that they were doi
ngs to prevent another generation of children from becoming addicted to tobacco and to reduc
e the amount their citizens were spending to treat tobacco caused disease. When the states set
tled their cases, they promised that the settlement was just the first step in their effort to
educate tobacco use, particularly among children. Through their Attorneys General they pledg
ed that the funds from the settlement created an historic opportunity to use the tobacco compa
nies own money to reduce tobacco use even though the Agreement that they had just signed did not
dictate how to spend the money. Five months later, how are the states doing in fulfilling their
promises? While many legislatures are still in session and some states have deferred action o
n how to spend the settlement money until next year, it is not too early to come to some prelimina
ry conclusions. If current trends continue, the vast majority of the states will spend little
or none of the tobacco settlement money on programs intended to prevent children from startin
g or helping current tobacco use to quit. Thus, this report documents a trail of broken promi
ses and a public health tragedy in the making. In at least one third (17) of all states, the legis
lature has already decided or the Governor or senior legislative leaders have proposed to spe
nd nothing or less than 2% of the tobacco settlement dollars they receive on tobacco preventio
n efforts. In these states the debate has been dominated by proposals for spending the money on
everything but the purposes for which the lawsuits were brought. They include, for example, p
roposal to reduce the car tax in Rhode Island, property tax reductions in Connecticut, colle
ge scholarships in Michigan, water projects and plans to renovate the state morgue in North Da
kota, state employee payroll demands and health care for prisoners in South Dakota, debt redu
ction in Louisiana, Idaho and New York; school construction in Colorado and Washington, D.C,
teachers retirement funds in Oklahoma, a new governmental department in Georgia, juveniled
etention facilities in Alabama, sidewalk repair in Los Angeles, California, and public empl
oyees insurance in West Virginia. Another 7 states have adopted or appear likely to adopt prop
osals in which tobacco prevention programs will have to compete each year against a menu of oth
er programs for funds (Kansas, Missouri, Nebraska, Wyoming, Oregon, North Carolina and Arka
nsas). In these states, there is no guarantee that tobacco prevention will receive any funds i
n any given year, bringing to 24 the number of states in which there is no proposal currently bei
ng seriously considered to guarantee the use of the tobacco settlement funds to reduce tobac
cose, even among children. The findings are not all negative. There are four states that have a
lready made commitments to fund tobacco prevention programs beyond a minimal level. Marylan
d, Montana and Virginia have completed their legislative session. Maryland appropriated \$2
1 million for tobacco prevention programs next year; Montana appropriated \$3.5 million for t
hese programs and Virginia allocated 10% of its settlement funds for this purpose. These are
each significant commitments even though the funding levels fall well below the minimum level
recommended by the U.S. Centers for Disease Control and Prevention. -)4 The most significa
nt legislative action to date has occurred in the State of Washington where the legislature ha

sbudgeted \$100 million for tobacco prevention and control out of the first \$323 million the state receives from the tobacco settlement. There are also serious proposals to fund strong tobacco prevention programs currently being debated in 8 other states (New Jersey, Vermont, Ohio, Nevada, New Hampshire, Wisconsin, Minnesota and Hawaii). The outcome in each of these states is too close to call. In addition, Mississippi is in the first year of a well funded two year pilot project so that it is premature to draw any long term conclusions about what will happen there. In 10 states the decision about how to spend the tobacco settlement money has been deferred at least until next year and there has been too little discussion of how they plan to spend the money to reliably predict any specific outcome. In three of those states (Utah, Iowa and New Mexico), action was deferred after a serious debate in which the legislature was unable to reach a consensus. Of 6 states which took the lead in the tobacco settlement negotiations last Fall (Washington, New York, North Dakota, Colorado, Pennsylvania, California), only one (Washington) currently has plans to spend a significant amount of money on tobacco prevention efforts; Of the four states that already have comprehensive tobacco prevention programs which have published results demonstrating their effectiveness (Florida, Oregon, Massachusetts and California), not one has decided to use funds from the settlement to enhance their program next year even though the programs in California and Massachusetts have seen their funding decline in recent years; It now even appears that Florida will cut the funding for its highly successful one year old program by 35% (from \$70 million a year to \$45 million a year). This decision comes only weeks after the release of a report that the program last year produced the single greatest one year decline in youth smoking in the United States. Washington is the only state that has adopted a proposal to spend enough on tobacco prevention and cessation to create a program comparable to the programs in the four states which have demonstrated that comprehensive tobacco prevention programs can reduce tobacco use. Florida, Oregon, Massachusetts, or California in recent years; There is a substantial disparity between the state legislature's actions and the desires of the public. For example, in Florida, 78% of the public supported funding the tobacco program at or above its 1998 level, but the legislature still cut the program's funds by 35%; in Alaska 86% of the public support spending one third of the funds (\$8.2 million) on tobacco prevention, but the legislature is poised to spend less than a fraction of that amount for this purpose. These examples are typical of public sentiment throughout the nation. Congress is seriously considering waiving the federal government's claim to a substantial portion of the tobacco settlement funds without requiring that the states spend any of the money on programs to reduce tobacco use. The federal government has paid and will continue to pay over 50% of the Medicaid costs related to tobacco caused disease. The states brought these cases with great fanfare. They were going to forever alter how our government responded to the problem of tobacco among our children. Yet, unless the current trend is reversed in the remaining days of the ongoing state legislative sessions or unless the Congress insists that a portion of the funds for which the federal government has a claim be spent on programs to reduce tobacco use, this opportunity to prevent another generation of children from becoming addicted to tobacco will be lost. If that occurs, the only winners will be the tobacco companies. This debate is taking place at a time when the need for the state to take strong action to prevent tobacco use among our children is even greater than when the states first began these lawsuits in 1994. Tobacco use among teenagers is higher today than it was five years ago. Ironically, the failure of the state to seize this historic opportunity also comes at a time when the evidence that comprehensive tobacco prevention programs do work has become incontrovertible. In the last three months studies from Florida and Oregon have been added to earlier studies from Massachusetts and California to demonstrate that these programs can reduce tobacco use among both children and adults. Three states! Colorado, North Dakota and Washington that took the lead in the negotiations that led up to the November 1998 settlement illustrate well what has occurred since the settlement was announced. Then Colorado Attorney General Gale Norton was a critical player in the negotiations from the beginning. Even before the negotiations ended she created a Task Force in Colorado that included every element of the public health community and the health care community to recommend how best to spend the state's recovery. Acting with unanimous consent the Task Force recommended and Attorney General Norton endorsed a proposal to spend one third of the funds on tobacco prevention and two thirds of the money on state health care and children's needs. Yet, when Governor Bill Owens introduced his budget for the state, he consulted none of the members of the Task Force and his proposal included not one penny for tobacco prevention, setting off an intense, still unresolved debate in the legislature. North Dakota Attorney General Heidi Heitkamp also played a unique role in the negotiations with the tobacco companies. She represented states that were too small to sue the tobacco companies on their own. As a result of

here effort small states received larger per capita payments from the settlement because Attorney General Heitkamp successfully argued that there is a certain minimum level of funding needed to run an effective tobacco prevention program in a small state. What does North Dakota own plan on doing with its money? Not one penny has been committed to tobacco prevention. With the support of Governor Ed Shafer, the North Dakota House has recently endorsed a proposal to spend 45% of the funds for water projects, another 45% for public education, and 10% for public health initiatives. While some of the funds earmarked for public health initiatives could eventually be spent on tobacco prevention, the Administration in North Dakota has recently floated the idea of spending a significant portion of those funds to renovate the state morgue. The State of Washington presents a different picture. Attorney General Christine Gregoire led the states negotiating team last year. Later, she and Governor Gary Locke helped produce and then lined up solidly behind a plan to provide substantial funding for a strong tobacco prevention program. The entire local health community endorsed their program and after some negotiation and compromise, the state Senate appropriated \$100 million for this program. However, when the proposal got to the state House, the fight began. House Republicans proposed cutting the program's funding to \$5 million. Eventually the House passed a bill without a specific dollar amount, leaving the fate of the tobacco prevention program up in the air until the final days of the legislative session. Then, on the last day of the session, the Governor and Attorney General succeeded in persuading the legislature to budget the full \$100 million out of the first \$323 million the state receives for tobacco prevention. With this action, Washington has taken the first step in putting in place in Washington a tobacco prevention program comparable to those that have worked elsewhere. Washington illustrates what can be accomplished with the tobacco settlement funds, but also demonstrates how difficult it will be to sustain funding for tobacco prevention programs even when the state's highest officials are solidly committed to the effort. Four other states! Florida, Massachusetts, Utah and Texas! that were early leaders in the fight against the tobacco companies are also illustrative of how the effort to reduce tobacco use among children has been captured by state political interests. Florida settled with the tobacco companies in 1997. With the funds from the settlement the Governor Lawton Chiles and Attorney General Bob Butterworth funded a two year pilot project. Much of the first year was spent planning. The program was implemented and funded at \$70 million dollars in the second year. The results were nothing short of spectacular. In one year tobacco use among middle school students plummeted by 19% and fell by 8% among high school students. Initially, continued funding for the program seems secure when Governor Jeb Bush proposed spending \$61.5 million for the program. Nonetheless, key Republican leaders in the legislature proposed eliminating all funding for the program and on the very day that the .h)5 programs positive results were announced, the head of the program was suddenly terminated. The Florida Senate went along with Governor Bush's recommendation, but the House only agreed to fund the program at \$30 million a year. A Conference Committee has now recommended slashing the program's budget to \$45 million, a cut of 35% despite the program's unprecedented success. Massachusetts has funded a state wide tobacco prevention program since 1993 with funds from the state's tobacco excise tax. The program has resulted in a decline in tobacco use in Massachusetts that is four times the national average and led to far lower tobacco use rates among Massachusetts children than the national average. Nonetheless, funding for the program has declined over the last four years by 25% from \$43.1 million a year to \$31 million a year. The settlement provided an opportunity to reverse that trend and enhance one of the most successful programs in the nation. What happened? Governor Paul Cellucci did not propose spending any additional money on the program. The only funds Governor Cellucci has proposed using for tobacco related purposes is a \$500,000 grant to study the effectiveness of the program. Utah demonstrates just how contentious some of the state debates have become. This year the Utah legislature passed and Governor Michael Leavitt signed a bill delaying any decisions on how the state will spend the tobacco settlement funds until next year. At the time the bill was passed the legislature approved a non-binding resolution that serious considerations should be given to allocating some portion of the tobacco settlement funds to tobacco prevention and substance abuse programs. S173 was enacted only after a heated dispute between Republican legislators and Attorney General Jan Graham over how to spend the settlement funds. Before the compromise was reached, Attorney General Graham publicly criticized the legislature for not agreeing to spend a significant portion of the funds on programs to reduce tobacco use. The legislature responded by cutting the Attorney General's budget and legal authority to pursue civil litigation. Texas was the third state to settle with the tobacco companies. Texas has already received \$1.2 billion and will receive between \$325 and \$580 million a year annually. Like Florida and Mississippi, the Texas settlement included a provis

ion for a pilot tobacco prevention project. Two hundred million dollars was set aside in Texas settlement agreement for the pilot project. Yet, when the issue arrived at the Texas legislature, two key legislators proposed placing the \$200 million into an endowment and funding all tobacco prevention programs now and in the future solely out of the interest from the endowment. Thus, in a state larger than Florida, the proposal would only devote \$200 million to tobacco prevention out of the more than \$17 billion the state is to receive from the tobacco companies over the next twenty five years. The issue has not yet been resolved. Governor George W. Bush has yet to take a position. This report truly represents a mid-term Report. It documents what has occurred to date, but it also reminds us that the most critical decisions remain to be made in many states. If current trends continue, our nation will miss out on an historic opportunity and the cases that the states brought with such promise and hope will in the long run accomplish far less than a fundamental change. The losers will be both our children and the taxpayers of every state who will see the effect on their tax bill as the amount the state spends on tobacco caused disease continues to rise. The results of this study are cause for concern. Without the vigorous effort of tobacco control advocates and key public officials, the results doubtless would be even worse. However, it is still possible to reverse the trend that this report documents. A majority of state legislatures have not yet made their final decisions about how to spend the tobacco settlement funds; others have the opportunity to refocus their spending when they meet next year. Washington also has a role to play. If the states won't keep their promise to American children, it is time that the Congress stepped up to the plate. Last year Congress had the opportunity to pass comprehensive tobacco prevention legislation and failed to do so. This year Congress again has the chance to make a difference.

.h)5 The federal government pays for \$.57 of every Medicaid dollar and has a claim to a portion of the state tobacco settlement funds. No matter how state officials may now want to characterize these cases, they were prompted by an effort to seek reimbursement from the tobacco companies for the billions of dollars the states and the federal government have spent and will spend through the Medicaid program treating tobacco caused disease. The federal government can and should have a say in how at least a portion of these funds are spent. Based on this Report, it is now clear that unless the federal government requires that at least a portion of the settlement money be spent on preventing tobacco use, the federal government's tobacco caused Medicaid bill will continue to rise uncontrollably. States that have decided to spend nothing or virtually nothing on tobacco prevention programs whose Governor has proposed and could succeed; Alabama Arizona California Colorado Connecticut Washington, DC Delaware Georgia Idaho Michigan Maine New York North Dakota Rhode Island South Carolina South Dakota Tennessee West Virginia #XXO##XXXX9#XXXXXX#3K#O#XXFL# #XXXXK#

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

TEXT:

WPC

Qvj

X{16DVQ;HrE's@+Gdt?HjK{: F83B0Lwt;+}

^4)0D+

f`Y}: 'V#5aZKb>qQtbtTHR:UrXA] }^oFK{RXA};h>v:4MD

=@xe5aN"@Dy{

5MwK&5Tl [IZ_|BBr\96v

Rf6s}

t-wVuAvSQ_k|v+pvR!6Kl>(_)X

=0J;r#UN %0(!U<!U*]w@4\PS-6\212AWINSPOOL,, ,0^7(hH

Z6Times New Roman RegularX(\$\ ` \$Times NewRoman%2A`Arial

{D

DDE

o&#3|x

!XLXXDRAFTDRAFTDRAFTDRAFT#XLXXL #4/27 XLXXL □□T@4

□<DL!T\$&)\+-□0d24XTXXL## THEAFTERMATHOFTHESATESTOBACCOSETTLEMENT:

AMIDTERMREP

ORTCARD ARECORDOPROMISESBROKEN

ANDAN□□OPPORTUNITYLOSTLastNovember46statessettledthecasestheyhadfiledagainstthetobaccocompanies. Whenthestatesfirstfiledsuitagainstthetobaccocompanies, electedofficialsfromeachofthestatessaidthattheyweredoingsotopreventanothergenerationofchildrenfrombecomingaddictedtotobaccoandtoreducetheamounttheir citizenswerespendingtotreattobaccocauseddisease. Whenthestatessettledtheir cases, theypromisedthatth settlementwasjustthefirststepintheirefforttoreducetobaccouse, particularlyamong children. ThroughtheirAttorneysGeneraltheypledgedthatthefundsfromthesettlementcreatedanhistoricopportunitytousehetobaccocompaniesownmoneytoreducetobaccouseeventhoughtheAgreementthattheyhadjustsigneddidnotdictatehowtospendthemoney. Critically, thisdebateistakingplaceatatimewhentheneedforthestatetotakestrongactiontopreventtobaccouseamongourchildrenisevengreaterthanwhenthestatesfirstbegantheselawsuitsin1994. Tobaccouseamongteenagersishighertodaythanitwasfiveyearsago. Thedebatealsocomesatatimewhentheevidencethatcomprehensivetobaccopreventionprogramsdownhasbecomeincontrovertible. InthelastthreemonthsstudiesfromFloridaandOregonhavebeenaddedtoearlierstudiesfromMassachusettsandCaliforniatodemonstratethattheseprogramscansignificantlyreducetobaccouseamongbothchildrenandadults. Thelessonfromthesestudiesisthatmoneyspentoncomprehensivetobaccopreventionprogramsismoneywellspent. Whilemanylegislaturesarestillin sessionandsomestateshavedeferredactiononhowtospendthesettlementmoneyuntilnextyear, itisnottooearytodrawsomepreliminaryconclusions. Ifcurrenttrendscontinue, thevastmajorityofthestateswillspendlittleornoneofthetobaccosettlementmoneyonprogramsintendedtopreventchildrenfromstartingorhelpingcurrenttobaccouserstoquit. Thus, thisreportdocumentsatrailofbrokenpromisesandapublichealthtragedyin themaking. Washingtonalsohasarole toplay. Thefederalgovernmentpaysfor\$.57outofeveryMedicaidollarandhasaclaimtoaportionofthestatetobaccosettlementfunds. Nomatterhowstateofficialsmaynowcharacterizethesecases, theywerepromptedbyanefforttoseekreimbursementfromthetobaccocompaniesforthebillionsofdollarsthestatesandthefederalgovernmenthavespentandwillspendthroughtheMedicaidprogramtreatingtobaccocauseddisease. TheNationalGovernorsAssociationhassoughttohavethefederalgovernmentwaiveitsclaimtothesefundsandreturnthemoneytothestateswithoutrequiringthatanyofitbespentonprogramstoreducetobaccouse. Thefederalgovernmentcanandshouldhaveasayinhowatleastaportionofthesefundsarespent. BasedonthisReport, itisnowclearthatunlessthefederalgovernmentrequiresthatatleastaportionofthesettlementmoneybespentonpreventingtobaccouse, thefederalgovernmentstobaccocausedd Medicaidbillwillcontinuetoriseuncontrollably. Fivemonthsafterthesettlement, howarethestatesdoinginfulfillingtheirpromises? Therearefourstatesthathavemadecommitmentstofundtobaccopreventionprograms beyondaminimallevel. ThemostsignificantlegislativeactiontodatehasoccurredintheStateofWashingtonwherethelegislature -)4 hasbudgeted\$100millionfortobaccopreventionandcontroloutofthefirst\$323millionthestatereceivesfromthetobaccosettlement. Maryland, MontanaandVirginiahavealsocompletedtheirlegislative

session. Maryland appropriated \$21 million for tobacco prevention programs next year; Montana appropriated \$3.5 million for these programs and Virginia allocated 10% of its settlement funds for this purpose.

These are each significant commitments even though the funding levels fall well below the minimum level recommended by the U.S. Centers for Disease Control and Prevention.

In at least one third (17) of all states, the legislature has already decided or the Governor or senior legislative leaders have proposed to spend nothing or less than 2% of the tobacco settlement dollar that they receive on tobacco prevention efforts. In these states the debate has been dominated by proposals for spending the money on everything but the purposes for which the lawsuits were brought. They include, for example, proposals to reduce the car tax in Rhode Island, property tax reductions in Connecticut, college scholarships in Michigan, water projects and plans to renovate the state morgue in North Dakota, state employee payroll demands and health care for prisoners in South Dakota, debt reduction in Louisiana, Idaho and New York; school construction in Colorado and Washington, D.C., teachers retirement funds in Oklahoma, a new governmental department in Georgia, juvenile detention facilities in Alabama, sidewalk repair in Los Angeles, California, and public employees insurance in West Virginia. Another 8 states have adopted or appear likely to adopt proposals in which tobacco prevention programs will have to compete each year against a menu of other programs for funds (Kansas, Missouri, Nebraska, Wyoming, Oregon, North Carolina, New York and Arkansas). In a number of these states, New York, for example, only a portion of the settlement funds will be set aside for this purpose. In all of these states, there is no guarantee that tobacco prevention will receive any funds in any given year. This brings to 25 the number of states in which there is no proposal currently being seriously considered to guarantee the use of a substantial portion of the tobacco settlement funds for programs to reduce tobacco use, even among children. There are serious proposals to fund strong tobacco prevention programs currently being debated in 8 other states (New Jersey, Vermont, Ohio, Nevada, New Hampshire, Wisconsin, Minnesota and Hawaii). The outcome in each of these states is too close to call. In addition, Mississippi is in the first year of a well-funded two-year pilot project so that it is premature to draw any long-term conclusions about what will happen there. In 9 states the decision about how to spend the tobacco settlement money has been deferred at least until next year and there has been too little discussion of how they plan to spend the money to reliably predict any specific outcome. In three of those states (Utah, Iowa and New Mexico), action was deferred after a serious debate in which the legislature was unable to reach a consensus. Of 6 states which took the lead in the tobacco settlement negotiations last fall (Washington, New York, North Dakota, Colorado, Pennsylvania, California), only one (Washington) currently has plans to spend a significant amount of money on tobacco prevention efforts; of the 4 states that already have comprehensive tobacco prevention programs which have published results demonstrating their effectiveness (Florida, Oregon, Massachusetts and California), not one has decided to use funds from the settlement to enhance their program next year even though the programs in California and Massachusetts have seen their funding decline in recent years; it now even appears that Florida will cut the funding for its highly successful one-year-old program by 35% (from \$70 million a year to \$45 million a year). This decision comes only weeks after the release of a report that the program last year produced the single greatest one-year decline in youth smoking in the United States. 5 Washington is the only state that has adopted a proposal to spend enough on tobacco prevention and cessation to create a program comparable to the programs in the four states which have demonstrated that comprehensive tobacco prevention programs can reduce tobacco use. Florida, Oregon, Massachusetts, or California in recent years; there is a substantial disparity between the state legislative actions and the desires of the public. For example, in Florida, 78% of the public supported funding the tobacco program at or above its 1998 level, but the legislature will cut the program funds by 35%; in Alaska 86% of the public support spending one third of the funds (\$8.2 million) on tobacco prevention, but the legislature is poised to spend less than a fraction of that amount for this purpose. These examples are typical of public sentiment throughout the nation. Congress is seriously considering waiving the federal government's claim to a substantial portion of the tobacco settlement funds without requiring that the states spend any of the money on programs to reduce tobacco use. The federal government has paid and will continue to pay over 50% of the Medicaid costs related to tobacco-caused disease. The states brought these cases with great fanfare. They were going to forever alter how our government res

ponded to the problem of tobacco use among our children. Yet, unless the current trend is reversed in the remaining days of the ongoing state legislative sessions or unless Congress insists that a portion of the funds for which the federal government has a claim be spent on programs to reduce tobacco use, this opportunity to prevent another generation of children from becoming addicted to tobacco will be lost. If that occurs, the only winners will be the tobacco companies. Three states! Colorado, North Dakota and Washington that took the lead in the negotiation that led up to the November 1998 settlement illustrate well what has occurred since the settlement was announced. Then Colorado Attorney General Gale Norton was a critical player in the negotiations from the beginning. Even before the negotiations ended she created a Task Force in Colorado that included every element of the public health community and the health care community to recommend how best to spend the state's recovery. Acting with unanimous consent the Task Force recommended and Attorney General Norton endorsed a proposal to spend one third of the funds on tobacco prevention and two thirds of the money on state health care and children's needs. Yet, when Governor Bill Owens introduced his budget for the state, he consulted none of the members of the Task Force and his proposal included not one penny for tobacco prevention, setting off an intense, still unresolved debate in the legislature. North Dakota Attorney General Heidi Heitkamp also played a unique role in the negotiations with the tobacco companies. She represented states that were too small to sue the tobacco companies on their own. As a result of her efforts small states received larger per capita payments from the settlement because Attorney General Heitkamp successfully argued that there is a certain minimum level of funding needed to run an effective tobacco prevention program in a small state. What does North Dakota now plan on doing with its money? Not one penny has been committed to tobacco prevention. With the support of Governor Ed Shafer, the North Dakota House has recently endorsed a proposal to spend 45% of the funds for water projects, another 45% for public education, and 10% for public health initiatives. While some of the funds earmarked for public health initiatives could eventually be spent on tobacco prevention, the Administration in North Dakota has recently floated the idea of spending a significant portion of those funds to renovate the state morgue. The State of Washington presents a different picture. Attorney General Christine Gregoire led the state's negotiating team last year. Later, she and Governor Gary Locke helped produce and then lined up solidly behind a plan to provide substantial funding for a strong tobacco prevention program. The entire local health community endorsed their program and after some negotiation and compromise, the state Senate appropriated \$100 million for this program. However, when the proposal got to the state House, the fight began. House Republicans proposed cutting the program's funding to \$5 million. Eventually the House .h) 5 Appropriations Committee passed a bill without a specific dollar earmark, leaving the fate of the tobacco prevention program up in the air until the final days of the legislative session. Then, on the last day of the session, the Governor and Attorney General succeeded in persuading the legislature to budget the full \$100 million out of the first \$323 million the state receives for tobacco prevention. With this action, Washington has taken the first step in putting in place in Washington a tobacco prevention program comparable to those that have worked elsewhere. Washington illustrates what can be accomplished with the tobacco settlement funds, but also demonstrates how difficult it will be to sustain funding for tobacco prevention programs even when the state's highest officials are solidly committed to the effort. Four other states! Florida, Massachusetts, Utah and Texas! that were early leaders in the fight against the tobacco companies are also illustrative of how the effort to reduce tobacco use among children has been captured by state political interests. Florida settled with the tobacco companies in 1997. With the funds from the settlement then Governor Lawton Chiles and Attorney General Bob Butterworth funded a two year pilot project. Much of the first year was spent planning. The program was implemented and funded at \$70 million dollars in the second year. The results were nothing short of spectacular. In one year tobacco use among middle school students plummeted by 19% and fell by 8% among high school students. Initially, continued funding for the program seems secure when Governor Jeb Bush proposed spending \$61.5 million for the program. Nonetheless, key Republican leaders in the legislature proposed eliminating all funding for the program and on the very day that the program's positive results were announced, the head of the program was suddenly terminated. The Florida Senate went along with Governor Bush's recommendation, but the House only agreed to fund the program at \$30 million a year. A Conference Committee has now recommended slashing the program's budget to \$45 million, a cut of 35% despite the program's unprecedented success. Massachusetts has funded a state wide tobacco prevention program since 1993 with funds from the state's tobacco excise tax. The program has resulted in a decline in tobacco use in Massachusetts that is four times the national average and led to far lower tobacco use rates among Massachusetts chi

ldren than the national average. Nonetheless, funding for the program has declined over the last four years by 25% from \$43.1 million a year to \$31 million a year. The settlement provided an opportunity to reverse that trend and enhance one of the most successful programs in the nation. What happened? Governor Paul Cellucci did not propose spending any additional money on the program. The only funds Governor Cellucci has proposed using for tobacco related purposes is a \$500,000 grant to study the effectiveness of the program. Utah demonstrates just how contentious some of the state debates have become. This year the Utah legislature passed and Governor Michael Leavitt signed a bill delaying any decision on how the state will spend the tobacco settlement funds until next year. At the time the bill was passed the Legislature approved a non-binding resolution that serious considerations should be given to allocating some portion of the tobacco settlement funds to tobacco prevention and substance abuse programs. S173 was enacted only after a heated dispute between Republican legislators and Attorney General Jan Graham over how to spend the settlement funds. Before the compromise was reached, Attorney General Graham publicly criticized the legislature for not agreeing to spend a significant portion of the funds on programs to reduce tobacco use. The Legislature responded by cutting the Attorney General's budget and legal authority to pursue civil litigation. Texas was the third state to settle with the tobacco companies. Texas has already received \$1.2 billion and will receive between \$325 and \$580 million a year annually. Like Florida and Mississippi, the Texas settlement included a provision for a pilot tobacco prevention project. Two hundred million dollars was set aside in Texas settlement agreement for the pilot project. Yet, when the issue arrived at the Texas legislature, two key legislators proposed placing the \$200 million into an endowment and funding all tobacco prevention programs now and in the future solely out of the interest from the endowment. Thus, in a state larger than Florida, the proposal was to spend no more than \$10 million a year on tobacco prevention. The same proposal would also only devote \$200 million to tobacco prevention out of the more than \$17 billion the state is to receive from the tobacco companies over the next twenty five years. The issue has not yet been resolved. Governor George W. Bush has yet to take a position. This report truly represents a mid-term report. It documents what has occurred to date, but it also reminds us that the most critical decision remains to be made in many states. If current trends continue, our nation will miss out on a historic opportunity and the cases that the states brought with such promise and hope will in the long run accomplish far less than fundamental change. The losers will be both our children and the taxpayers of every state who will see the effect on their tax bills as the amount they spend on tobacco caused disease continues to rise. The results of this study are cause for concern. Without the vigorous efforts of tobacco control advocates and key public officials, the results doubtless would be even worse. However, it is still possible to reverse the trend that this report documents. A majority of state legislatures have not yet made their final decisions about how to spend the tobacco settlement funds; others have the opportunity to refocus their spending when they meet next year. Alabama, Arizona, California, Colorado, Connecticut, Washington, DC, Georgia, Idaho, Massachusetts, Michigan, Maine, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, West Virginia, Utah, Iowa, New Mexico, Kentucky, Louisiana, Indiana, Illinois, Pennsylvania, Oklahoma, #X=X ##XLXXX=#

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 15:19:33.00

SUBJECT: NACARA Reg and Parity proposal

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

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

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

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

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

TEXT:

1. After the last immigration meeting last week, John Morton asked me if it was our understanding that if DOJ agrees to the broad policy proposal on parity legislation that we would not seek "administrative" fixes such as DED while the legislation is pending. Please let me know if that you was understanding.

2. State Dept. rationale on the broad policy proposal - DOJ is reviewing this rationale to determine if it provides the rationale that they are seeking. You should have received a copy of it. If not, please let me know. We should plan to discuss at the Immigration Work Group meeting this Friday unless you think we need a separate meeting.

3. NACARA Reg - DOJ sent OMB a draft of the NACARA reg. Please contact Stuart Shapiro if you would like a copy. (Elena/Laura - I will send you a copy). We should discuss this draft at the meeting at the immigration meeting as well and begin thinking about next steps (consultations, roll-out, etc).

Please let me know if you have any questions or thoughts about these items.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Phillip Caplan (CN=Phillip Caplan/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:27-APR-1999 15:26:41.00

SUBJECT: TC Williams Event Complaint

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

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

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

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

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

TO: Stephanie S. Streett (CN=Stephanie S. Streett/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:

I thought you should be aware of this complaint that came into the WH comment line. I'm not sure if we need/should do anything about it...maybe someone on the DPC staff or Scheduling staff could call her...we can always send a letter, but I'm not sure what it would say. Let me know what you think.

----- Forwarded by Phillip Caplan/WHO/EOP on 04/27/99
03:23 PM -----

Daniel W. Burkhardt
04/26/99 06:57:03 PM
Record Type: Record

To: Phillip Caplan/WHO/EOP
cc:
Subject: TC Williams Event Complaint

as discussed. let me know if there is anything else we should do. i'm a bit reluctant to give out a means for special treatment, especially if this woman plans to publish it in her letter. thanks.

----- Forwarded by Daniel W. Burkhardt/WHO/EOP on
04/26/99 06:58 PM -----

Michael L. Shenkman
04/26/99 05:53:43 PM
Record Type: Record

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. [partial] (1 page)	04/27/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[04/27/1999]

2009-1006-F

vz128

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

To: Daniel W. Burkhardt/WHO/EOP
cc: Delia A. Cohen/WHO/EOP
Subject: TC Williams Event Complaint

Dan,

As we discussed, I received the following phone call today:

Bonnie Northrop
Teacher, TC Williams
[REDACTED] Home [001]
(703) 824-6800 Work

Ms. Northrop said that she and her students were "upset" that the round table event held at her school following the shootings in CO last week "was a media event." She said that the President looked unhappy, and that she blames the city of Alexandria for turning it into something other than a frank round-table discussion. According to her, the students selected by the school administration to participate were all AP, largely white, and represented only a minority of students, leaving out those who are most 'at risk' for school violence issues. Her students told her that they were upset they had not even gotten to see the President and complained that the extensive security arrangements meant that they weren't trusted. "Unintentionally, the majority of the kids at TC Williams were hurt by it," Northrop said.

She also said that a Secret Service officer present had remarked to the school librarian that "we didn't want AP kids."

This weekend, Ms. Northrop drafted an editorial to the Washington post and other DC area papers that she said was intended to voice her students' frustrations. She read the draft to all of her students today, and they supported her. She is encouraging her students to "send some real concerns to President Clinton" and would like 'special treatment' for her kids in the form of some response from the President by the end of the school year. My understanding is that she would like to publish what action the White House intends to take.

After discussing the matter with you and Delia, I telephoned her back to let her know that I would be passing the message on to the staff who handled the event, and that I hoped they would be in touch with her in the next few days.

She described herself as a "longtime friend-of-Bill" and stated explicitly that she did not intend this a slight to President.

MLS

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 16:47:59.00

SUBJECT: Gore on racial profiling --

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

READ:UNKNOWN

TEXT:

FYI

----- Forwarded by Todd Stern/WHO/EOP on 04/27/99 04:47
PM -----

"Christopher Edley, Jr." <edley @ law.harvard.edu>
04/27/99 10:21:22 AM

Record Type: Record

To: Maria Echaveste/WHO/EOP, Charles F. Ruff/WHO/EOP
cc: See the distribution list at the bottom of this message
Subject: Gore on racial profiling --

Maria & Chuck:

These are paragraphs from Gore's speech Sunday night in Detroit. He's against racial profiling, period. (Doesn't mention data collection, though.)

I urge you to have a communications strategy to reconcile the DPC/DOJ recommendation with Gore's position.

And -- before I get attacked by everyone -- let me stress that I did not have a hand in this section of the speech. As you know, I tried to get you to resolve the executive order issue in time for Gore to say something about it; when Maria said it was impossible, I relayed that to OVP staff.

"Now, I am proud of our nation's law enforcement. I'm proud of the 100,000 new community police we are putting on our streets, and the work they are doing to protect all of our families.

But I want to be perfectly clear: the strong arm of justice must also respect justice. I am outraged by recent reports of "racial profiling." DWI is a crime in this nation. DWB shouldn't be. It is wrong to pigeon-hole and punish innocent citizens on the basis of race. It is wrong to stereotype somebody as a suspect simply because of the color of their skin.

Let be very clear: I believe we should abolish racial profiling in America. And any police department in America that is using it should stop right now.

Right now, our administration is exploring this issue -- to see what we can

do to help end this hateful practice, once and for all."

Quite obviously, it would be a bit legalistic to say that "police department" does not apply to Federal law enforcement.

Message Copied

To:

Clara J. Shin/WHO/EOP

Elena Kagan/OPD/EOP

aedmonds1 @ home.com

James T. Edmonds/WHO/EOP

Todd Stern/WHO/EOP

Elizabeth K. Belenis/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 17:49:25.00

SUBJECT: race

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

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

TEXT:

I called you to talk about education chapter. It would be helpful for someone in your shop to try a minimalist approach to fixing the chapter to your satisfaction.

For starters, this would mean making sure that ESEA is discussed and highlighted in a way that you guys are comfortable with rather than in the fairly cursory way it's dealt with now.

To the extent you could edit the Compact so that it was consistent with our ESEA approach that would be useful as well.

Can you call me to discuss? tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 19:50:06.00

SUBJECT: Today's mtg and ESEA issues

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:

A couple of points about today's discussion on Troops to Teachers and alternative certification.

1) Alternative teacher certification. I am happy to get on the phone with Wendy Kopp and someone from Education. I just wanted you to Wendy was very clear to me today that the current language would pose problems for a significant portion of her members. Wendy would favor the kind of language I included in my document (letting the state approve high-quality alternative certification programs), but would be OK with a fall-back extending the number of years before someone needed to be certified to four years, or even three. Apparently, some of their alternative certification programs (including with Bank Street College in NYC) take 3 or even four years. She also questions our whole focus on the need for certification, since she doesn't believe this is the right way to make sure we have quality teachers, but that's a broader issue than how this bill affects Teach for America.

2) Troops to Teachers. I think it's OK where we came out today, though I would say that I think:

a) Education isn't going to try to sell this as Troops to Teachers, but rather a mid-career professionals program. I just think we need to watch out for how this gets characterized in their press paper, etc.

b) It was important to get at least verbal agreement today that roughly half of the funds would go to Troops to Teachers not only because the language in the bill is very vague, but Mike Smith said at the last mtg with Barbara, Tanya, and me that only \$1 million would go for troops to teachers. The e-mail he shared today actually resulted from some phone calls and e-mails I had with Education and Defense earlier in the day.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:27-APR-1999 22:08:25.00

SUBJECT: FYI -- food safety story

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

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

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

TEXT:

do you all know about this?

sb

From: Dan J. Taylor on 04/27/99 06:04:00 PM
Record Type: Record

To: David W. Beier/OVP, , Sarah A. Bianchi/OVP
cc:
Subject: FYI -- food safety story

Environmentalists slam, quit administration food safety panel

WASHINGTON (AP) Environmental and public interest groups on Tuesday quit an advisory panel on food safety, created at the behest of Vice President Al Gore, charging the administration is failing to take steps to remove pesticides that pose a special danger to children.

The 50-member advisory panel was created to get a broad spectrum of views as the Environmental Protection Agency decides how to proceed in eliminating hundreds of pesticides as required by a 1996 food safety law.

But the panel has been embroiled in internal disagreements among its members, who represented a range of interests that included environmentalists, health safety advocates, farmers and representatives of the chemical industry and agribusiness.

In a letter to the EPA, the groups said they were quitting the panel because the agency was unwilling ``to make hard choices'' needed to take the most dangerous pesticides out of service even though they pose a threat to children.

``EPA's indecision on these high-risk chemicals leaves everyone kids, farmers, farm workers, food processors, consumers and our precious biodiversity vulnerable,'' the groups complained.

Erik Olson, of the Natural Resources Defense Council, said, ``The pesticide industry and agribusiness lobbyists and their allies in Congress have hijacked this process,'' and the Clinton administration ``has let it derail'' through delays and inaction.

In addition to NRDC, other groups that quit the panel Tuesday were the World Wildlife Fund, Consumers Union, Pesticide Education Center, Farmworker Justice Fund, National Campaign for Pesticide Policy Reform, and the Farmworkers Support Committee. Last year the Environmental Working Group withdrew from the advisory group in

protest.

Deputy EPA Administrator Peter Robertson, in a letter to the seven groups, said the agency remained ``absolutely committed'' to assessing the dangers posed by some pesticides and removing from the market those chemicals that pose a particular danger to children as required by the 1996 law.

``We too wish that this process could go faster,'' wrote Robertson. ``But we are on schedule for assessing risks and taking risk-reduction actions beginning in August as the law prescribes.''

But the environmentalists complained that the EPA and Agriculture Department are not moving quickly enough to remove the pesticides, including some widely used organophosphates, that pose the most critical health risks to infants and children.

The 1996 Food Quality Protection Act for the first time required the EPA to consider the unique dangers the chemicals pose to infants and children. It said the EPA should reassess the first batch of these chemicals by this August.

The EPA ``now has admitted it will not meet the August deadline,'' the environmentalists said. They blamed the slow progress, in part, to ``endless debate'' within the advisory committee.

Gore urged creation of the advisory panel last year after concerns were raised by agriculture interests and their advocates in Congress that the EPA was not taking into account farmers' views. Farm groups argued that many of the pesticides being targeted are essential and do not yet have adequate substitutes.

Critics at the time said Gore's involvement stemmed from concern that elimination of some of the pesticides could cause Gore political problems in states such as Iowa, Florida, Texas and California all key in Gore's presidential campaign.

The vice president said the broad representation on the advisory group would ensure sound science was used in implementing the 1996 food safety law.

APNP-04-27-99 1739EDT

Copyright (c) 1999 The Associated Press
Received by NewsEDGE/LAN: 4/27/99 5:36 PM