

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 050 - FOLDER -007**

**[05/05/1999]**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 09:01:36.00

SUBJECT: race/civil rights

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

READ:UNKNOWN

TEXT:

I didn't ever get comments from you on the civil rights section, did I?

tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sidney Blumenthal ( CN=Sidney Blumenthal/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 5-MAY-1999 09:04:03.00

SUBJECT: Slate article

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

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

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

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

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

TEXT:

Firing Blanks  
The NRA's bogus argument  
against gun control.

By William Saletan  
(Posted Wednesday, May 5, 1999)

In recent days, the National Rifle  
Association and its allies have argued that  
additional gun laws would not have helped

avert

the April 20 Colorado high-school massacre,  
because gun laws already on the books proved  
useless. Why propose "more gun laws" since

the

Colorado killers had broken "17 laws"

anyway,

asked House Republican Conference chairman  
J.C. Watts Jr., R-Okla. Republican

presidential

candidate Gary Bauer ("18 gun laws were  
violated") and Senate Majority Leader Trent

Lott,

R-Miss., ("17 to 19 laws ... We have lots

of laws

Tuesday,  
massacre.  
evaporates.

cited by the

device" (i.e.,

device" (i.e.,

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gun laws?

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check on

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you, we're

So, why does

pad the

on the books") echoed this construction. The NRA's latest tally, provided to Slate

lists 20 laws allegedly violated in the

But on closer inspection, the list

A. Distractions. The first four laws NRA concern bombs.

1. Possession of a "destructive bomb).

2. Manufacturing a "destructive bomb).

3. Use of an explosive or incendiary the commission of a felony.

4. Setting a device designed to explosion upon being triggered.

What do bomb laws have to do with According to the NRA, nothing. "Incredibly, been asked if we would support an instant explosives purchases," NRA Vice President LaPierre noted with disgust in a speech at NRA convention. "Well, I don't have to tell not the National Explosives Association." the NRA include bomb laws on its list? To total.

Tautologies. Nine other laws on the list concern the use of guns to commit the massacre.

5. Use of a firearm or "destructive device" (i.e., bomb) to commit a murder that is prosecutable in a federal court.

6. Possession of a firearm or "destructive device" (i.e., bomb) in furtherance of a crime of violence that is prosecutable in a federal court.

7. Brandishing a firearm or "destructive device" (i.e., bomb) in furtherance of a crime of violence that may be prosecuted in a federal court.

8. Discharging a firearm or "destructive device" (i.e., bomb) in furtherance of a crime of violence that may be prosecuted in a federal court.

9. Conspiracy to commit a crime of violence prosecutable in federal court.

15. Possession of a firearm on school property.

16. Discharge of a firearm on school property, with a reckless disregard for another's safety.

18. Intentionally aiming a firearm at another person.

19. Displaying a firearm in a public place in a manner calculated to alarm.

The salient feature of these nine laws is that the killers violated them during the massacre, not beforehand. To say that these laws were violated is merely to say that the massacre happened, i.e., that two kids walked into a school and brandished, aimed, and discharged firearms in a manner calculated to alarm people, endanger the safety of others, and further a crime of violence. It is meaningless to bring up these laws in a discussion of prevention. Like murder laws, they are designed to prevent a killer's second crime, not his first.

Laws not violated or not known to have been violated.

person under

12. Possession of a handgun by a

age 18.

under age

13. Providing a handgun to a person

18.

and

14. Licensed dealers may sell rifles

shotguns only to persons age 18 or over, and handguns to persons age 21 or over. ...

Persons

under age 18 are prohibited from possessing handguns from anyone (dealer or not).

transportation, sale,

17. Possession, interstate

etc., of a stolen firearm.

obliterated

20. Possession of a firearm with an

serial number.

the

"It is not known, however, whether

handgun used in

17-year-old perpetrator possessed the

perpetrator

the crime," concedes the NRA. The other

Times,

was 18 years old. According to the New York

the man who evidently bought the gun and

passed it to  
 investigators don't  
 or which  
 other three  
 perpetrator's  
 two  
 not charged  
 to own  
 that any of  
 that it  
 of the  
 obliterated serial

the killers was 22 years old, and  
 know whether he "sold, gave or lent the gun  
 gunman ... was the recipient." As for the  
 guns, the Times says the 17-year-old  
 18-year-old girlfriend "has admitted buying  
 shotguns and a rifle for him. But she was  
 because it is legal in Colorado for a minor  
 shotguns and rifles." There is no evidence  
 the guns was stolen. Also, the NRA concedes  
 has only been "suggested that at least one  
 firearms used in the crime had an  
 number."

Duplicates. Two statutes on the list ban  
 possession of certain kinds of weapons,  
 essentially duplicating other statutes on the list  
 that ban acquisition of those weapons.

- 10. Possession of a short-barreled shotgun.
- 12. Possession of a handgun by a person under  
 age 18.

E. Formalities. So the list of relevant laws known  
 to have been violated boils down to one:

- 11. Manufacturing a "sawed-off" shotgun.

This law prohibited the two perpetrators from  
 making a sawed-off shotgun. However, no law  
 prohibited them from acquiring both a shotgun and a  
 saw. So this law means nothing.

President  
 difference?  
 20-year-olds from  
 passed and  
 prevented the elder

ould the additional laws proposed by  
 Clinton last week have made any  
 One of them would prohibit 18- to  
 possessing handguns. If that law had been  
 effectively enforced, it would have

the  
would hold  
committed with guns  
have  
killers to  
  
laws would not  
proves nothing.

gunman from acquiring the handgun used in  
massacre. Another of Clinton's proposals  
negligent parents liable for crimes  
by their kids. This law might or might not  
prompted the parents of the Colorado  
intervene before the massacre.

It is always possible that more gun  
have helped. But the NRA's bogus list

Photograph of Wayne LaPierre by Scott S.  
Hamrick, Reuters.

> E-Mail to the Editors  
> Enter the Fray

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sidney Blumenthal ( CN=Sidney Blumenthal/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 5-MAY-1999 09:13:20.00

SUBJECT: Newday article

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

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

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

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

TO: Thomas L. Freedman ( CN=Thomas L. Freedman/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:

No More Mr. Nice Guy Clinton should entertain  
tougher regulations

I WOULD LIKE TO hail President Clinton's convocation  
of an entertainment summit next week to chide the media  
into showing more concern about what it is doing to  
create  
a cultural climate that is promoting violence. But I  
can't.  
We've been down this road before.

Basically, what the president is doing is calling the  
media in and telling  
them to be good. Don't do it anymore, whatever it is.  
And then he'll be  
able to say he is doing something.

I still remember the excitement of the Great Violence  
Summit of 1993 in  
L.A.

That was a meeting of some 400 representatives of

broadcasting and professors, social representing all sides of the violence in society. It was the Super Bowl of conferences and committee meetings on the subject.

The result of that glorious summit and all the promises by broadcasting and cable to do something about the problem was that the incidence of violence in programing, various scholarly studies found, actually rose.

Now, I am quick to blame the media, and especially TV, for everything. But even I recognize the biggest problem we face today in trying to figure out Columbine isn't the media, but kids.

Whatever Freud and his followers say about psychosis and neuroses, the effect of parents and environment, a certain number of kids are just plain wacko.

Their brains are wired wrong. I don't think these kids need the media to tell them to be wacko.

And it's too easy for them to do wacko things. You can have the strictest gun control laws in the world, but it's too late to keep guns out of their hands.

That genie is out of the bottle. However, there are a few issues the president should be raising.

First, television, long before the Internet, was telling the handful of wacko kids how to do things. It started back in the 1970s, when made-for-TV movies began to be based on true-life stories. Instead of two-hour films about great teachers, social workers, humanitarians who helped the sick and poor, TV did movies about serial killers, stalkers and hijackers, showing step-by-step how they smuggled weapons onto planes.

In each movie's wake, there were copycat incidents. TV is an instructional tool. In the old days kids learned from

books, now they learn  
from television.

News coverage of events has replaced the telefilm as  
the educational  
tool of choice.

The culture for violence is not reduced by the  
overcoverage of stories  
like the Littleton massacre. The low point had to be  
when they actually  
stuck the cameras right into the coffin of Isaiah  
Shoels. Some of the  
funerals went on for four hours, covered in their  
entirety, it seemed, by  
Fox News and CNN. It was ghoulish.

It's also the fault of people who can't stay off TV  
anymore. It used to be  
we got mad at the local newsmen who, after a shooting,  
stuck a mike at  
a guy who had been shot six times, and was asked "How  
do you feel  
about it?" A man who lost his family in a plane crash  
or fire asked the  
same question was within his rights to punch the  
reporter in the face.  
Now, survivors want to go on TV. One dead kid's family  
even went on  
the Leeza Gibbons show. Whatever happened to grieving  
in privacy?  
The cultural environment has certainly changed. You  
say to the kids, Mr.

President, be nice. But they watch TV and see adults  
on our so-called  
discussion shows like "Crossfire" on CNN screaming at  
each other. They  
see people on "Jerry Springer" punching each other.  
They go to the  
movies and see wall-to-wall violence. They listen to  
violent rock music.  
They play violent video games and search the Internet  
for the cheapest  
bomb ingredients.

While the president is asking for soul-searching from  
the various  
industries that may or may not be contributing to a  
dangerous  
environment, I would suggest he do some soul-searching  
on behalf of the  
government. I respectfully wish to point out that some  
of these things  
that I mentioned regarding broadcast and cable might  
not be happening if  
his predecessors weren't so eager to give away the  
store 10 and 15  
years ago. If the country still had regulations  
regarding the proper use of

some of the the public airwaves we would be able to regulate away  
media silliness and excesses.

were rules and Speaking only for TV here, it used to be that there  
standards.

of time on public Stations, for example, had to spend a certain amount  
general to be responsible to affairs, to limit the number of commercials, in  
losing their licenses. the communities. Otherwise they were in danger of

chairman of the That all went out of the window with Mark Fowler,  
administration, who Federal Communications Commission in the Reagan  
executives led by Mel began the gutting of sacred regulations. Today,  
have to get rid of Karmazin of CBS are saying, Mr. President, that you  
and responsibilities all remaining regulations regarding station ownership  
cable does. -and let them do whatever they want for profit, like

changing the I don't know exactly know what you have in mind for  
make Geraldo cultural climate next week. Perhaps you're planning to  
the Monica mess. Rivera head of the FCC, for having supported you in  
longer can depend on But I say we don't have enough regulations. We no  
swallowing everything up. these media moguls who are only interested in  
lip service while Whatever you propose next week, they will be paying  
they laugh all the way to the bank with our money.

of people with the You are asking for social responsibility from a group  
navel of a gnat and amount of social responsibility that can be put in the  
Asssocation of still have room left over for the NAB (National  
regulations, Mr. Broadcasters) code of ethics. Bring back our missing  
President.

impact on a And who knows? In 50 or 60 years, it might have some  
it's better than future generation of wacko kids. It's a long shot, but  
anything else that may come out of the summit meeting.

E-mail Marvin!

[Home](#) | [Top of Page](#)

05/05

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 09:20:31.00

SUBJECT: Reminder--COMMENTS on LRM MNB60 - - LABOR Report on Legislation to ease Fa

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Maureen T. Shea ( CN=Maureen T. Shea/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

TO: Stuart Shapiro ( CN=Stuart Shapiro/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Larry R. Matlack ( CN=Larry R. Matlack/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: lrm@os.dhhs.gov ( lrm@os.dhhs.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

CC: clrm@doc.gov ( clrm@doc.gov @ inet [ UNKNOWN ] )

READ:UNKNOWN

TEXT:

This is a reminder that your comments on the subject report are due.

Please provide any comments via fax (395-6148), e-mail, or phone

(395-7887) no later than 11 a.m. TODAY. If we do not hear from you by the deadline, we will assume you have no comments.

----- Forwarded by Melissa N. Benton/OMB/EOP on 05/05/99  
09:18 AM -----

LRM ID: MNB60  
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503-0001

Friday, April 30, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution  
below

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

OMB CONTACT: Melissa N. Benton

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

SUBJECT: LABOR Report on Legislation to ease Fair Labor Standards  
Act restrictions on the employment of certain youth in the wood processing  
industry

DEADLINE: 11:00 a.m. Wednesday, May 5, 1999

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

COMMENTS:

DISTRIBUTION LIST

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EOP:

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Caroline R. Fredrickson  
Peter Rundlet  
Sandra Yamin  
Robert G. Damus  
John E. Thompson  
Elena Kagan  
Janet R. Forsgren

LRM ID: MNB60 SUBJECT: LABOR Report on Legislation to ease Fair

Labor Standards Act restrictions on the employment of certain youth in the wood processing industry  
RESPONSE TO  
LEGISLATIVE REFERRAL  
MEMORANDUM

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

You may also respond by:

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

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

TO: Melissa N. Benton Phone: 395-7887 Fax: 395-6148  
Office of Management and Budget  
Branch-Wide Line (to reach legislative assistant):  
395-7362

FROM: \_\_\_\_\_ (Date)  
 \_\_\_\_\_ (Name)  
 \_\_\_\_\_ (Agency)  
 \_\_\_\_\_ (Telephone)

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

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

Message Sent

To: \_\_\_\_\_  
 Barry White/OMB/EOP@EOP  
 Larry R. Matlack/OMB/EOP@EOP  
 Debra J. Bond/OMB/EOP@EOP  
 Sarah Rosen/OPD/EOP@EOP  
 Stuart Shapiro/OMB/EOP@EOP  
 Daniel J. Chenok/OMB/EOP@EOP

Karen Tramontano/WHO/EOP@EOP  
 Maureen T. Shea/WHO/EOP@EOP  
 Caroline R. Fredrickson/WHO/EOP@EOP  
 Peter Rundlet/WHO/EOP@EOP  
 Sandra Yamin/OMB/EOP@EOP  
 Robert G. Damus/OMB/EOP@EOP  
 John E. Thompson/OMB/EOP@EOP  
 Elena Kagan/OPD/EOP@EOP  
 Janet R. Forsgren/OMB/EOP@EOP

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

TEXT:  
 Unable to convert ARMS\_EXT: [ATTACH.D94]ARMS24701783M.136 to ASCII,  
 The following is a HEX DUMP:

```
FF575043D4050000010A000100000000FBFF0500320010010000060008000000042000000070016
0000004A0000000F00560000006000000000C005A0000000B600000018007C007800000054696D65
73204E657720526F6D616E20202854542900000000000000000000000000000000000000000001
0101F4014300F41A5C121A090000001020508E001C3651110310F40150000000000000000000
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The Honorable Arlen Specter  
Chairman  
Subcommittee on Labor, Health and Human Services,  
and Education  
Committee on Appropriations  
United States Senate  
Washington, D.C. 20510-6025

Dear Chairman Specter:

Thank you for your letter regarding child labor restrictions on Amish youth working in sawmills, and urging an administrative approach to addressing this issue rather than legislation.

As you know from our conversations on this matter, we share deep respect for the cultural and religious traditions of the Amish and similar communities, and recognize the good intentions of efforts to accommodate these traditions.

However, we have equally serious concerns that the legislation which has been proposed, if enacted, could result in exposing young workers to extremely hazardous workplace conditions in sawmills and the wood processing industry. This industry has an occupational fatality rate nearly five times higher than the national private-industry average. In addition to the serious dangers posed by milling and wood working equipment, the Department's Occupational Safety and Health Administration has many examples of sawmill workers who were crushed by falling loads, or run over by front-end loaders or fork-lifts. These serious dangers are exacerbated for young workers. The Department of Justice also has serious concerns about the constitutionality of the House legislation as set forth in their September 1998 letter to the Subcommittee.

Since this issue first arose as a result of the Amish community entering new commercial business ventures in which they employ their children, the Department of Labor has repeatedly offered to work with the Old Order Amish to help them comply with the child labor laws and develop employment opportunities for their young that do not place them at risk. Many of those efforts were outlined in my July 1, 1998, letter to you. Among these efforts, we carefully examined two proposals to allow 16- and 17-year-olds to work in sawmills under certain conditions. Our review of these proposals, which included on-site visits to operating sawmills in Western Pennsylvania, determined that the proposals would not adequately protect young workers; their health and safety would still be at

great risk. In addition, as a practical matter, the proposals would not have afforded the Amish with the accommodations they seek to employ their youth.

I should emphasize that the proposals we considered addressed the potential employment of 16-and 17-year old youth in sawmills. These proposals did not encompass the potential employment of 14-and 15-year-olds – as the Old Order Amish community seeks – because the law specifically prohibits the employment of youth under 16 years of age in manufacturing, which includes sawmilling and furniture manufacturing.

Clearly, the Department shares your constituents' belief that work experience can be beneficial for young people. We remain most willing to work with the Old Order Amish, and you, to try and find a reasonable solution, but our principal obligation under the law is to ensure that the health and safety of young workers are not compromised.

Sincerely,

Alexis M. Herman

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 10:08:15.00

SUBJECT: Sally Paxton Issue

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I've been talking to Sally Paxton and OMB about the wage data collection request. The two sides are in pretty different spots but Josh Gottbaum realizes saying no is not enough and he suggested we sit down with him, Sally, and Kitty Higgins to find the common ground which we will set up. For her part, Sally Paxton wants to send you and me a brief Labor has written laying out the whole issue, I said fine. My goal is to solve the problem by getting OMB to be a bit conciliatory -- there is some common ground on the merits. I've still got to talk to Sally Katzen who has been in on this issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 10:15:27.00

SUBJECT: LRM CJB63 - - EDUCATION Draft Bill on Ed-Flex Partnership Amendments - Tit

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

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

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

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

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

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

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

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

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

TO: Wayne Upshaw ( CN=Wayne Upshaw/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: Iratha H. Waters ( CN=Iratha H. Waters/OU=OMB/O=EOP@EOP [ OMB ] )  
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TO: tom.herlihy@ost.dot.gov@inet ( tom.herlihy@ost.dot.gov@inet [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

TEXT:

Please provide comments on this section for inclusion in the ESEA  
Reauthorization draft bill, by: 11:00 a.m., Thursday, May 6, 1999

The draft bill (7 pps) and sectional analysis (2 pps) language can be  
found on the following website:

<http://tabula.ost.dot.gov/ed>

Use the following identifying information:

username: LRM

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----- Forwarded by Constance J. Bowers/OMB/EOP on  
05/05/99 10:09 AM -----

LRM ID: CJB63

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Wednesday, May 5, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution  
below

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

OMB CONTACT: Constance J. Bowers

PHONE: (202)395-3803 FAX: (202)395-6148

SUBJECT: EDUCATION Draft Bill on Ed-Flex Partnership Amendments -  
Title XI, Pt. G, of the ESEA Reauthorization

DEADLINE: 11:00 a.m. Thursday, May 6, 1999

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

COMMENTS: This draft legislative language contains minor amendments to the  
Education Flexibility Partnership Act of 1999, and it will be included in  
the ESEA Reauthorization draft bill, which is scheduled to be transmitted

next week. Accordingly, this deadline is firm. If you do not reply by the deadline, we will assume you do not object to the language.

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

<http://tabula.ost.dot.gov/ed>

Use the following identifying information:

username: LRM  
password: text

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Crystal J. Roach  
Janet R. Forsgren  
James J. Jukes

LRM ID: CJB63 SUBJECT: EDUCATION Draft Bill on Ed-Flex  
Partnership Amendments - Title XI, Pt. G, of the ESEA Reauthorization

#### RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

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

You may also respond by:

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

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



DRAFT 5/3/99  
ED-FLEX PARTNERSHIPS

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SEC. 1110. (a) IN GENERAL. The Education Flexibility

Partnership Act of 1999 is amended--

(1) by striking out everything before section 1;

(2) in section 1, by--

(A) striking out "Act" and inserting in lieu thereof "part"; and

(B) striking out "of 1999";

(3) in section (2), by--

(A) striking out paragraph (5);

(B) redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(C) in paragraph (5), as redesignated by subparagraph (B), by--

(i) striking out "Expansion of waiver authority will allow for the waiver of" and inserting "States should be allowed to waive"; and

(ii) striking out the comma after "affected programs" and everything that follows through "and maintaining" and inserting "and maintaining";

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

"DEFINITIONS

1           "SEC. 3. As used in this part, the terms 'eligible  
2 school attendance area' and 'school attendance area' have  
3 the meanings given those terms in section 1113(a)(2) of  
4 this Act.";

5           (5) in section 4—

6           (A) in subsection (a)

7           (i) in paragraph (2)—

8           (I) in the matter before

9 subparagraph (A), by inserting a comma after "section";

10           (II) by amending subparagraph (A)

11 to read as follows:

12           "(A) has an approved educational  
13 accountability plan under section 11208 of this Act and is  
14 making satisfactory progress, as determined by the  
15 Secretary, in implementing its policies under sections  
16 11204 and 11205 of this Act; and";

17           (III) by striking out

18 subparagraph (B); and

19           (IV) by redesignating

20 subparagraph (C) as subparagraph (B);

21           (ii) in paragraph (3)(B)—

22           (I) in the matter before clause

23 (i), by striking out "such application" and inserting "it";

24 and

1 (II) in clause (iv) (I), by  
2 striking out "have the ability to" and inserting "can";  
3 (iii) in paragraph (4) (A)–  
4 (I) in the matter before clause  
5 (i), by inserting a comma immediately after "paragraph  
6 (1) (A)" and immediately after "regulatory requirement", the  
7 second time that phrase appears, respectively; and  
8 (II) in clause (iv), by striking  
9 out "why" and inserting "how";  
10 (iv) in paragraph (5)–  
11 (I) in subparagraph (B) (ii), by  
12 striking out "each such State" and inserting in lieu  
13 thereof "it"; and  
14 (II) in subparagraph (C), by  
15 striking out "2 years after the date of the enactment of  
16 this Act" and inserting "May 1, 2001";  
17 (v) in paragraph (6), by amending  
18 subparagraph (A) to read as follows:  
19 "(A) IN GENERAL. The Secretary shall not  
20 approve the application of a State educational agency under  
21 paragraph (3) for a period exceeding 5 years, except that  
22 the Secretary may, in accordance with subparagraph (C),  
23 extend that period if the Secretary determines that–

1                   “(i) the State educational agency’s  
2 authority to grant waivers has been effective in enabling  
3 that State or affected local educational agencies or  
4 schools to carry out their State or local reform plans and  
5 to continue to meet the accountability requirement  
6 described in paragraph (2) (B); and

7                   “(ii) the State has made significant  
8 statewide gains in student achievement and in closing the  
9 achievement gap between low- and high-performing  
10 students.”; and

11                   (vi) in paragraph (7), by striking out  
12 “1999” and inserting “2000”;

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

15                   “(b) . INCLUDED PROGRAMS. The statutory and regulatory  
16 requirements referred to in subsection (a) (1) (A) are any  
17 requirements for programs carried out under the following  
18 provisions:

19                   “(1) Title I of this Act (other than subsection  
20 (a) and (c) of section 1116).

21                   “(2) Part A of title II of this Act.

22                   “(3) Subpart 1 of part B of title III of this  
23 Act.

24                   “(4) Part A of title IV of this Act.

1           “(5) Title VI of this Act.

2           “(6) Part B of title VII of this Act.

3           “(7) The Carl D. Perkins Vocational and  
4 Technical Education Act of 1998.

5           “(8) Title VII of the Stewart B. McKinney  
6 Homeless Assistance Act.”;

7                   (C) in subsection (c)–

8                           (i) in subparagraph (G), by striking  
9 out “such Act” and inserting “this Act”;

10                           (ii) by redesignating subparagraphs  
11 (H) and (I) as subparagraphs (I) and (J), respectively; and

12                           (iii) by inserting a new subparagraph  
13 (H) to read as follows:

14                   “(H) the eligibility of a school for a  
15 schoolwide program under section 1114 of this Act, except  
16 that a State educational agency may grant a waiver to allow  
17 a local educational agency to conduct a schoolwide program  
18 in a school that serves an attendance area in which not  
19 less than 40 percent of the children are from low-income  
20 families or in which not less than 40 percent of the  
21 children enrolled are from such families;”

22                   (D) in subsection (d)–

1 (i) in paragraph (1), by striking out  
2 "the waiver authority" and inserting "that waiver  
3 authority"; and

4 (ii) in paragraph (4), by—

5 (I) striking out "date of the  
6 enactment of this Act" and inserting "effective date of  
7 this part"; and

8 (II) striking out "subpart 2 of  
9 part A of title III of the Elementary and Secondary  
10 Education Act of 1965 (other than section 3136 of such  
11 Act)" and inserting "subpart 1 of part B of title III of  
12 this Act"; and

13 (E) at the end thereof, by adding a new  
14 subsection (f) to read as follows:

15 "(f) TRANSITION. Waivers granted under applicable  
16 ED-Flex authority prior to the effective date of this part  
17 shall remain in effect in accordance with the terms and  
18 conditions that applied to those waivers when they were  
19 granted. Waivers granted on or after the effective date of  
20 this part shall be subject to the provisions of this  
21 part.";

22 (6) by striking out "the Elementary and  
23 Secondary Education Act of 1965" each place it appears and  
24 inserting "this Act"; and

1                   (7) by repealing section 5 and section 6.

2                   (b) REDESIGNATIONS. Title XI of the ESEA is further  
3 amended by—

4                   (1) redesignating the Education Flexibility  
5 Partnership Act, as amended by subsection (a), as part G of  
6 title XI; and

7                   (2) redesignating section 1, 2, 3, and 4 as  
8 sections 11701, 11702, 11703, and 11704, respectively.

9

10

THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965  
Section-by-Section Analysis  
TITLE XI--PART G

Sec. 1110 (ED-Flex Partnerships). Section 1110 of the bill would make minor revisions to the recently enacted Education Flexibility Partnership Act of 1999 and redesignate it as Part G of Title XI of the revised ESEA.

Paragraphs (1), (2), (3), and (4) of section 1110(a) would make minor changes to the short title, findings, and definitions of the Education Flexibility Partnership Act of 1999 to reflect its incorporation into the ESEA.

Paragraph (5) of section 1110(a) would, in addition to making minor editorial revisions, make State eligibility for ED-Flex status turn, in part, not on compliance with various accountability requirements under Title I of the ESEA, but on whether the State has an approved accountability plan under proposed new section 11208 of the ESEA and is making satisfactory progress, as determined by the Secretary, in implementing its policies under proposed new sections 11204 (Student Progress and Promotion Policy) and 11205 (Ensuring Teacher Quality) of the ESEA. Paragraph (5) would also revise the conditions under which the Secretary may grant an extension of ED-Flex authority, beyond five years, to provide, in part, that the Secretary may grant such an extension only if he or she determines that the State has made significant statewide gains in student achievement and is closing the achievement gap between low- and high-performing students.

In addition, paragraph (5) of section 1110(a) of the bill would revise the list of Federal education programs that are subject to ED-Flex authority to reflect the amendments that would be made to the ESEA by the bill and to include Title VII of the Stewart B. McKinney Homeless Assistance Act. Paragraph (5) would also clarify that, while States may grant waivers with respect to the minimum percentage of children from low-income families needed to permit a schoolwide program under section 1114 of the ESEA, in doing so they may not go below 40 percent. Finally, paragraph (5) would add a transition provision that makes clear that waivers granted under applicable ED-Flex authority prior to the effective date of the new Part G of Title XI would remain in effect in accordance with the terms and conditions that applied when those waivers were

granted, and that waivers granted on or after the effective date of Part G would be subject to the provisions of Part G.

Paragraphs (6) and (7) of section 1110(a) of the bill would make editorial revisions and repeal, as no longer needed, certain amendatory provisions to other Acts (but without un-doing the substantive changes to those other Acts made by those amendatory provisions.) Finally, section 1110(b) of the bill would make appropriate redesignations.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 11:59:36.00

SUBJECT: When will we get education statement on governors' testing compact?

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

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

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

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 13:31:45.00

SUBJECT: New OMB Idea on Recoupment

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

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

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

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

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

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

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

TEXT:

Dan Mendelson has a new idea of a fall-back on Hutchison: to add language enabling lawsuits on the federal portion of the Medicaid costs and stating the settlements to date were for just state costs. He's going to get the OMB GC to look into the legality and whether such a provision would be possible and likely upheld as constitutional if done on a retroactive basis.

I would much prefer to have states devote a portion to youth smoking, but what do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 13:59:49.00

SUBJECT: Trip of the President to TX & OK

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

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

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

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

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

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

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

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

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

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

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

TO: George T. Frampton ( CN=George T. Frampton/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
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TO: Dominique L. Cano ( CN=Dominique L. Cano/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Sidney Blumenthal ( CN=Sidney Blumenthal/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Maria E. Soto ( CN=Maria E. Soto/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Craig Hughes ( CN=Craig Hughes/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

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READ:UNKNOWN

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READ:UNKNOWN

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

TO: Carolyn T. Wu ( CN=Carolyn T. Wu/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Jocelyn A. Bucaro ( CN=Jocelyn A. Bucaro/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Beth A. Viola ( CN=Beth A. Viola/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
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TO: Fred DuVal ( CN=Fred DuVal/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Charles M. Brain ( CN=Charles M. Brain/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Malcolm R. Lee ( CN=Malcolm R. Lee/OU=OPD/O=EOP @ EOP [ OPD ] )  
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TO: Lawrence J. Stein ( CN=Lawrence J. Stein/OU=WHO/O=EOP @ EOP [ WHO ] )  
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TO: Robert S. Kapla ( CN=Robert S. Kapla/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
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TO: Julianne B. Corbett ( CN=Julianne B. Corbett/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

The President's travel schedule for this weekend has been amended. After traveling to Houston and Austin, the President also will travel to Oklahoma (event TBD). Therefore, we will need additional Trip Book items as follows:

Background Memos (OK): DUE THURSDAY, MAY 6, 3:00 P.M.

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

Event Memo(s): DUE THURSDAY, MAY 6, 6:00 P.M.

- TBD

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

--David Goodfriend

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 15:00:04.00

SUBJECT: Ron Brownstein

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

is requesting 15-20 minutes on the phone with the President for a Monday a.m. piece on the strategy session. Bruce, I've also let him know you're the guy in charge, so he'll be pursuing you for information -- I've already told him about all I thought was prudent to tell him -- no names yet -- but one thing I've made clear to him was that this is not just about Hollywood, nor, to the extent it is about Hollywood, is it about beating them up. (His original pitch was that the L.A. Times was a good opportunity for POTUS to send his message to Hollywood, and I expect that he will broaden his pitch a little as he moves around trying to get the interview.) Anyway, let's put this on the list as something to consider. We could do it as late as the weekend, although I don't now if the Pres. would be ready for this even then.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 16:12:54.00

SUBJECT: Statement on governors testing compact

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: Cathy R. Mays ( CN=Cathy R. Mays/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

TEXT:

Statement on Achieve's announcement that a group of governors and corporate leaders

will create a new 8th grade math test -- and teacher training and lesson materials -- to help U.S. students perform as well as their peers in other countries. {Note: Education is being careful not to describe the assessments as "high-quality", but is framing their comments as "supportive of the goal of high-quality curriculum and assessments."}

I applaud the news of this partnership with the goal of promoting high-quality curriculum, instruction and tests to improve student performance in math. We must do everything we can to help our children master the basics. And in this increasingly interdependent economy, we need to provide parents, teachers and students with common measures of student achievement. This step by Achieve reaffirms my long-standing belief that states want -- and will take advantage of -- voluntary tests that allow them to compare their students' achievement to common rigorous standards. I welcome the efforts of Achieve and others who are undertaking efforts to improve education.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 17:02:43.00

SUBJECT: REvised statement

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

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

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

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

TEXT:

Revised per a discussion with Mike Cohen (who thinks we ought not reference the national test directly):

I applaud the news of this partnership between states, governorors, business, educators and others to help improve middle school math and help students reach world class standards. The Third International Math and Science Study (TIMMS) showed us that while the performance of our 4th graders ranked near the top , by eighth grade our student are only performing at the international average. We must do everything we can to help our children master the basics.This effort by Acheive will respond to the TIMMS results and help our students to meet world class standards. I welcome this effort by Achieve to improve curriculum, strenghten teacher training and provide tools to measure whether kids are meeting world class standards.

----- Forwarded by Tanya E. Martin/OPD/EOP on 05/05/99  
04:56 PM -----

Tanya E. Martin  
05/05/99 04:12:47 PM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP, Cathy R. Mays/OPD/EOP, Bethany  
Little/OPD/EOP  
Subject: Statement on governors testing compact

Statement on Achieve's announcement that a group of governors and corporate leaders

will create a new 8th grade math test -- and teacher training and lesson materials -- to help U.S. students perform as well as their peers in other countries. {Note: Education is being careful not to describe the assessments as "high-quality", but is framing their comments as "supportive of the goal of high-quality curriculum and assessments."}

I applaud the news of this partnership with the goal of promoting high-quality curriculum, instruction and tests to improve student performance in math. We must do everything we can to help our children master the basics. And in this increasingly interdependent economy, we need to provide parents, teachers and students with common measures of student achievement. This step by Achieve reaffirms my long-standing belief that states want -- and will take advantage of -- voluntary tests that allow them to compare their students' achievement to common rigorous standards. I welcome the efforts of Achieve and others who are undertaking efforts to improve education.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 17:27:50.00

SUBJECT: Weekly Strategy Meeting

TO: Emma\_Harrell@ed.gov@inet ( Emma\_Harrell@ed.gov@inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Vicky\_Stroud ( Vicky\_Stroud @ ed.gov@inet [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

TO: Mike\_Cohen ( Mike\_Cohen @ ed.gov@inet [ UNKNOWN ] )  
READ:UNKNOWN

TO: Paul D. Glastris ( CN=Paul D. Glastris/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: MCHUGH\_L@A1@CD@VAXGTWY@VAXGTWY ( MCHUGH\_L@A1@CD@VAXGTWY@VAXGTWY [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TEXT:

The weekly Education Strategy Meeting for tomorrow, May 6, is CANCELLED.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-MAY-1999 17:30:26.00

SUBJECT: Weekly Health Care Strategy Meeting

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

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

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

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

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

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

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

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

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

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

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

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

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

CC: Rhonda Melton ( CN=Rhonda Melton/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The weekly Health Care Strategy Meeting for tomorrow, May 6, is CANCELLED.



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DRAFT  
5/5/99

TITLE VII - BILINGUAL EDUCATION ACT

FINDINGS, POLICY, AND PURPOSE

SEC. 701. Section 7102 of the Act is amended--

(1) by amending subsection (a) to read as

follows:

"(a) FINDINGS. The Congress finds that--

"(1) as Nations of the world become increasingly interdependent and as international communication becomes a daily occurrence in government, business, commerce, and family life, multilingual skills constitute an important national resource that deserves protection and development;

"(2) the presence of language-minority Americans is related to Federal immigration policies;

"(3) language-minority Americans speak virtually all languages, including many that are indigenous to the United States;

"(4) many language-minority Americans are limited in their English proficiency, and many have limited education and income;

"(5) there are large and growing numbers of

1 children and youth of limited English proficiency, many of  
2 whom have a cultural heritage that differs from that of  
3 their English proficient peers;

4           "(6) limited English proficient students and  
5 their families are increasingly moving into school  
6 districts that do not have appropriate services in place to  
7 serve them;

8           "(7) limited English proficient students arrive  
9 at their schools at various age levels and often with  
10 little or no prior formal schooling;

11           "(8) limited English proficient children and  
12 youth face a number of challenges in receiving an education  
13 that will enable them to participate fully in American  
14 society, including--

15                   "(A) segregated education programs;

16                   "(B) disproportionate and improper  
17 placement in special education and other special programs,  
18 due to the use of inappropriate evaluation procedures;

19                   "(C) disproportionate attendance in high-  
20 poverty schools, as demonstrated by the fact that, in 1994,  
21 75 percent of limited English proficient students attended  
22 schools in which at least half of all students were  
23 eligible for free or reduced-price meals;

24                   "(D) the limited English proficiency of

1 their parents, which hinders parents' ability to  
2 participate fully in the education of their children; and

3           "(E) a shortage of teachers and other staff  
4 who are professionally trained and qualified to serve such  
5 children and youth;

6           "(9) school districts and schools find it  
7 challenging to include limited English proficient students  
8 in their reform efforts;

9           "(10) a 1999 National Center for Education  
10 Statistics survey found that teachers are less likely to  
11 participate in professional development designed to address  
12 the needs of limited English proficient students than to  
13 take part in any other kind of professional development  
14 activity;

15           "(11) institutions of higher education can  
16 assist in preparing teachers, administrators, and other  
17 school personnel to understand and build upon the  
18 educational strengths and needs of language-minority and  
19 culturally diverse student enrollments;

20           "(12) high-quality bilingual education programs  
21 enable children and youth to learn English and meet high  
22 academic standards;

23           "(13) a 1998 National Research Council report,

1 Preventing Reading Difficulties in Young Children, found  
2 that limited English proficient students should be taught  
3 to read first in their native language and that, if such an  
4 approach is not possible due to lack of materials and  
5 resources, limited English proficient students should  
6 attain some fluency in oral English before they receive  
7 formal reading instruction in English;

8           "(14) the use of a child's or youth's native  
9 language and culture in classroom instruction can--

10               "(A) promote self-esteem and contribute to  
11 academic achievement and learning English by limited  
12 English proficient children and youth;

13               "(B) benefit children and youth who are  
14 proficient in English and also participate in such  
15 programs; and

16               "(C) develop our Nation's national language  
17 resources, thus promoting our Nation's competitiveness in  
18 the global economy;

19           "(15) research, evaluation, and data-collection  
20 capabilities in the field of bilingual education need to be  
21 strengthened so that educators and other staff can better  
22 identify and promote programs, program implementation  
23 strategies, and instructional practices that result in  
24 effective education of limited English proficient children;

1           " (16)   parent and community participation in  
2 bilingual education programs contributes to program  
3 effectiveness;

4           " (17)   educational technology has the potential  
5 for improving the education of language-minority and  
6 limited English proficient students and their families, and  
7 the Federal Government should foster development of that  
8 technology;

9           " (18)   the Federal Government, as reflected in  
10 title VI of the Civil Rights Act of 1964 and section 204(f)  
11 of the Equal Education Opportunities Act of 1974, has a  
12 special and continuing obligation to ensure that States and  
13 local school districts take appropriate action to provide  
14 equal educational opportunities to children and youth of  
15 limited English proficiency;

16           " (19)   the Federal Government also, as  
17 exemplified by programs authorized under this title, has a  
18 special and continuing obligation to assist States and  
19 local school districts to develop the capacity to provide  
20 programs of instruction that offer limited English  
21 proficient children and youth an equal educational  
22 opportunity; and

23           " (20)   Native Americans and Native American

1 languages (as such terms are defined in section 103 of the  
2 Native American Languages Act), including native residents  
3 of the outlying areas, have a unique status under Federal  
4 law that requires special policies within the broad  
5 purposes of this Act.";

6 (2) by amending subsection (b) to read as  
7 follows:

8 "(b) POLICY. The Congress declares it to be the  
9 policy of the United States--

10 "(1) in order to ensure equal educational  
11 opportunity for all children and youth and to promote  
12 educational excellence, that the Federal Government should  
13 assist State and local educational agencies, institutions  
14 of higher education, and community-based organizations to  
15 build their capacity to establish, implement, and sustain  
16 programs of instruction for children and youth of limited  
17 English proficiency; and

18 "(2) in order to ensure that school districts  
19 are providing effective instruction to limited English  
20 proficient students that enable students to achieve to  
21 challenging State standards and are providing programs  
22 under subtitle 1 of Part A of this title that are  
23 consistent with the requirements under section  
24 1111(b)(2)(F)(v) of title I of this Act, that--

1                   "(A) those students should be included in  
2 State assessments of academic performance;

3                   "(B) those students should be assessed, to  
4 the extent practicable, in the language and form most  
5 likely to yield accurate and reliable information on what  
6 those students know and can do in subjects other than  
7 English, including using tests written in Spanish for  
8 Spanish-speaking students with limited English proficiency,  
9 if those tests are more likely than tests written in  
10 English to yield accurate and reliable information on what  
11 those students know and can do in subjects other than  
12 English; and

13                   "(C) those students who have been in United  
14 States' schools (not including Puerto Rico) for three  
15 consecutive years or more should be tested in reading and  
16 language arts using tests written in English."; and

17                   (3) in subsection (c)--

18                   (A) in the matter before paragraph (1), by  
19 striking out "to educate limited English proficient  
20 children and youth to" and inserting in lieu thereof "to  
21 help ensure that limited English proficient students master  
22 English and"; and ***[NOTE TO OMB: For the reasons Mike Cohen  
23 and Delia Pompa expressed yesterday, we would prefer not to  
24 add "on a timely basis".]***

1 (B) by amending paragraph (1) to read as  
2 follows:

3 "(1) promoting systemic improvement and reform  
4 of, and developing accountability systems for, educational  
5 programs serving students with limited English  
6 proficiency."

7

8 AUTHORIZATION OF APPROPRIATIONS FOR PART A

9 SEC. 702. Section 7103(a) of the Act is amended to  
10 read as follows:

11 "(a) IN GENERAL. For the purpose of carrying out this  
12 part, there are authorized to be appropriated such sums as  
13 may be necessary for each of fiscal years 2001 through  
14 2005."

15

16 PROGRAM DEVELOPMENT AND ENHANCEMENT GRANTS

17 SEC. 703. Section 7113 of the Act is amended--

18 (1) by amending the section heading to read as  
19 follows: "PROGRAM DEVELOPMENT AND ENHANCEMENT GRANTS";

20 (2) by amending subsection (a) to read as  
21 follows:

22 "(a) PURPOSE. The purpose of this section is to  
23 provide grants to eligible entities to carry out innovative

1 instructional programs for limited English proficient  
2 students.";

3 (3) in subsection (b)--

4 (A) in paragraph (1)(B), by striking out  
5 "two" and inserting in lieu thereof "three"; and

6 (B) by amending paragraph (2) to read as  
7 follows:

8 "(2) AUTHORIZED ACTIVITIES.-- (A) Grants under  
9 this section shall be used for--

10 "(i) developing and implementing  
11 comprehensive, preschool, elementary, or secondary  
12 education programs for children and youth with limited  
13 English proficiency, that are aligned with standards-based  
14 State and local school reform efforts and coordinated with  
15 other relevant programs and services to meet the full range  
16 of educational needs of such children and youth;

17 "(ii) providing high-quality  
18 professional development to classroom teachers,  
19 administrators, and other school or community-based  
20 organization personnel to improve the instruction and  
21 assessment of limited English proficient students; and

22 "(iii) annually assessing the English  
23 proficiency of all limited English proficient students  
24 served by the program.

1                   "(B) Grants under this section may be used  
2 for--

3                   "(i) implementing programs to upgrade  
4 the reading and other academic skills of limited English  
5 proficient students;

6                   "(ii) developing accountability  
7 systems to track the academic progress of limited English  
8 proficient and formerly limited English proficient  
9 students;

10                   "(iii) implementing family education  
11 programs and parent outreach and training activities  
12 designed to assist parents to become active participants in  
13 the education of their children;

14                   "(iv) improving the instructional  
15 program for limited English proficient students by  
16 identifying, acquiring, and applying effective curriculum,  
17 instructional materials, assessments, and educational  
18 technology aligned with State and local standards;

19                   "(v) providing tutorials and academic  
20 or career counseling for children and youth who are limited  
21 English proficient; and

22                   "(vi) such other activities,  
23 consistent with the purposes of this part, as the Secretary  
24 may approve."; and

1                   (4) by adding a new subsection (d) to read as  
2 follows:

3           "(d) PRIORITY. The Secretary is authorized to give  
4 priority to applicants that have a total district  
5 enrollment that is less than 10,000 students and have  
6 limited or no experience in serving limited  
7 English proficient."

8

9                                   COMPREHENSIVE SCHOOL GRANTS

10           SEC. 704. Section 7114 of the Act is amended--

11                   (1) by amending subsection (a) to read as  
12 follows:

13           "(a) PURPOSE. The purpose of this section is to  
14 implement school-wide education programs, in coordination  
15 with Title I, for children and youth with limited English  
16 proficiency--

17                   "(1) to assist such children and youth to learn  
18 English and achieve to challenging State content and  
19 performance standards; and

20                   "(2) to improve, reform, and upgrade relevant  
21 programs and operations, in schools with significant  
22 concentrations of such students or that serve significant  
23 numbers of such students.";

24                   (2) by amending subsection (b) (2) to read as

1 follows:

2           "(2) PROGRAM IMPROVEMENT PLAN.--(A) The Secretary,  
3 before making a continuation award for the fourth year of a  
4 program under this section, shall determine if the program  
5 is making continuous and substantial progress in assisting  
6 children and youth with limited English proficiency to  
7 learn English and achieve to challenging State content and  
8 performance standards. The Secretary shall base the  
9 determination on--

10                       "(i) the indicators established under  
11 section 7118(d) and the data and information collected  
12 under section 7118; and

13                       "(ii) such other data and information as  
14 the Secretary may require.

15           "(B) (i) If the Secretary determines that a  
16 recipient requesting a fourth-year continuation award under  
17 this section is not making continuous and substantial  
18 progress under subparagraph (A), the recipient shall  
19 promptly develop and submit to the Secretary a program  
20 improvement plan for its program.

21                       "(ii) The Secretary shall approve a  
22 program improvement plan under clause (i) only if he or she  
23 determines that it holds reasonable promise of enabling  
24 students with limited English proficiency participating in

1 the program to learn English and achieve to challenging  
2 State content and performance standards.

3 " (iii) If the Secretary does not  
4 approve a recipient's program improvement plan under clause  
5 (i), or if the Secretary determines that the recipient is  
6 not making sufficient progress in implementing such plan,  
7 the Secretary shall take such other action as he or she  
8 determines to be appropriate, such as the denial of a  
9 continuation award.";

10 (3) by amending paragraphs (3) and (4) to read  
11 as follows:

12 " (3) AUTHORIZED ACTIVITIES.-- (A) Grants under  
13 this section shall be used to improve the education of  
14 limited English proficient students and their families by--

15 " (i) coordinating the program with  
16 district policies and practices, as well as other relevant  
17 programs and services, and aligning the program with school  
18 reform efforts to meet the full range of educational needs  
19 of limited English proficient students;

20 " (ii) providing training to all, or  
21 virtually all, school personnel and participating  
22 community-based organization personnel to improve the  
23 instruction and assessment of limited English proficient  
24 students;

1                    "(iii) developing or improving  
2 accountability systems to track the academic progress of  
3 limited English proficient and formerly limited English  
4 proficient students; and

5                    "(iv) annually assessing the English  
6 proficiency of all limited English proficient students  
7 served by the program.

8                    "(B) Grants under this section may also be  
9 used for--

10                    "(i) implementing programs to upgrade  
11 the reading and other academic skills of limited English  
12 proficient students;

13                    "(ii) developing and using educational  
14 technology, including interactive technology, to improve  
15 learning, assessments, and accountability;

16                    "(iii) implementing and adapting  
17 research-based models for meeting the needs of limited  
18 English proficient students;

19                    "(iv) developing and implementing  
20 programs to meet the needs of limited English proficient  
21 students with disabilities;

22                    "(v) implementing family education

1 programs and parent outreach and training activities  
2 designed to assist parents to become active participants in  
3 the education of their children;

4                   "(vi) improving the instructional  
5 program for limited English proficient students by  
6 identifying, acquiring, and upgrading curriculum,  
7 instructional materials, educational software and  
8 assessment procedures;

9                   "(vii) providing tutorials and  
10 academic or career counseling for children and youth of  
11 limited-English proficiency;

12                   "(viii) developing and implementing  
13 programs to help all students become proficient in more  
14 than one language; and

15                   "(ix) carrying out such other  
16 activities, consistent with the purposes of this part, as  
17 the Secretary may approve.

18                   "(4) SPECIAL RULES. A grant recipient--

19                   "(A) before carrying out a program assisted  
20 under this section, shall plan, train personnel, develop  
21 curriculum, and acquire or develop materials, but shall not  
22 use funds under this section for planning purposes for more  
23 than 90 days; and

24                   "(B) shall not carry out a program under

1 this section in more than two schools for each grant it  
2 receives under this section."

3

4 SYSTEMWIDE IMPROVEMENT GRANTS

5 SEC. 705. Section 7115 of the Act is amended--

6 (1) in subsection (a), by striking out  
7 "bilingual education programs or special alternative  
8 instruction programs to" and inserting in lieu thereof  
9 "instructional programs for children and youth with limited  
10 English proficiency";

11 (2) by amending subsection (b)(2) to read as  
12 follows:

13 "(2) PROGRAM IMPROVEMENT PLAN--(A) The Secretary,  
14 before making a continuation award for the fourth year of a  
15 program under this section, shall determine if the program  
16 is making continuous and substantial progress in assisting  
17 children and youth with limited English proficiency to  
18 learn English and achieve to challenging State content and  
19 performance standards. The Secretary shall base the  
20 determination on--

21 "(i) the indicators established under  
22 section 7118(d) and the data and information collected  
23 under section 7118; and

1                   "(ii) such other data and information as  
2 the Secretary may require.

3                   "(B)(i) If the Secretary determines that a  
4 recipient requesting a fourth-year continuation award under  
5 this section is not making continuous and substantial  
6 progress under subparagraph (A), the recipient shall  
7 promptly develop and submit to the Secretary a program  
8 improvement plan for its program.

9                   "(ii) The Secretary shall approve a  
10 program improvement plan under clause (i) only if he or she  
11 determines that it holds reasonable promise of enabling  
12 students with limited English proficiency participating in  
13 the program to learn English and achieve to challenging  
14 State content and performance standards.

15                   "(iii) If the Secretary does not  
16 approve a recipient's program improvement plan under clause  
17 (i), or if the Secretary determines that the recipient is  
18 not making sufficient progress in implementing such plan,  
19 the Secretary shall take such other action as he or she  
20 determines to be appropriate, such as the denial of a  
21 continuation award.";

22                   (3) by amending paragraph (4) to read as  
23 follows:

24                   "(4) AUTHORIZED ACTIVITIES.--(A) Grants under

1 this section shall be used for--

2                   "(i) aligning programs for limited  
3 English proficient students in the district with school,  
4 district, and State reform efforts and coordinating the  
5 program with other relevant programs, such as Title I, and  
6 services to meet the full range of educational needs of  
7 limited English proficient students throughout the  
8 district;

9                   "(ii) providing high-quality  
10 professional development that is aligned with high  
11 standards to classroom teachers, administrators, and other  
12 school or community-based organization personnel to improve  
13 the instruction and assessment of limited English  
14 proficient students;

15                   "(iii) developing and implementing a  
16 plan, coordinated with programs under title II of Higher  
17 Education Act of 1965 where applicable, to recruit teachers  
18 trained to serve limited English proficient students;

19                   "(iv) annually assessing the English  
20 proficiency of all limited English proficient students  
21 served by the program; and

22                   "(v) developing or improving

1 accountability systems that are consistent with the State's  
2 accountability system to measure limited English proficient  
3 students' academic progress in a valid and reliable manner.

4                   "(B) Grants under this section may also be  
5 used for --

6                   "(i) developing and implementing  
7 programs to help all students become proficient in more  
8 than one language;

9                   "(ii) developing content and  
10 performance standards for learning English as a second  
11 language, as well as for learning other languages;

12                   "(iii) developing assessments tied to  
13 State performance standards;

14                   "(iv) developing performance standards  
15 for students with limited English proficiency that are  
16 aligned with challenging State content standards;

17                   "(v) redesigning programs for limited  
18 English proficient students to meet the needs of changing  
19 population of such students;

20                   "(vi) coordinating assessments with  
21 State accountability systems;

22                   "(vii) implementing policies and  
23 procedures to ensure that limited English proficient  
24 students have access to all district programs, such as

1 gifted and talented, vocational education, and special  
2 education programs; and  
3                   "(viii) integrating technology into  
4 all aspects of educating limited English proficient  
5 students, including data management systems and the  
6 delivery of instructional services to limited English  
7 proficient students."

8 .

9                   APPLICATIONS FOR AWARDS UNDER SUBPART 1

10           SEC. 706. Section 7116 of the Act is amended--

11                   (1) in subsection (b)--

12                           (A) in paragraph (1), by striking out "such  
13 application" and inserting in lieu thereof "its written  
14 comments on the application"; and

15                           (B) by amending paragraph (2)(B) to read as  
16 follows:

17                                   "(B) For purposes of this subpart, such  
18 comments shall address--

19   "(i) how the grant activities will  
20 further the academic achievement and English proficiency of  
21 limited English proficient students served under a grant  
22 received under this subpart; and

23   "(ii) how the grant application is

1 consistent with the State plan, especially with regard to  
2 State assessments, required under section 1111.";

3 (2) by amending subsection (f) to read as  
4 follows:

5 "(f) REQUIRED DOCUMENTATION. Such application shall  
6 include documentation that--

7 "(1) the applicant has the qualified personnel  
8 required to develop, administer, and implement the proposed  
9 program; and

10 "(2) the leadership of each participating school  
11 has been involved in the development and planning of the  
12 program in the school.";

13 (3) in subsection (g)(1)--

14 (A) by amending subparagraph (A) to read as  
15 follows:

16 "(A) A description of the need for the  
17 proposed program, including data on the number of children  
18 and youth of limited English proficiency in the schools or  
19 school districts to be served and the characteristics of  
20 such children and youth, including--

21 "(i) the native languages of the  
22 students to be served;

23 "(ii) student proficiency in English  
24 and the native language;

1                   "(iii) current achievement data of the  
2 limited English proficient students to be served by the  
3 program (and in comparison to their English proficient  
4 peers) in--

5                   "(I) reading or language arts (in  
6 English and in the native language, if applicable); and

7                   "(II) mathematics;

8                   "(iv) reclassification rates for  
9 limited English proficient students in the district;

10                  "(v) the previous schooling  
11                   experiences  
12 of participating students;

13                  "(vi) the professional development  
14 needs of the instructional personnel who will provide  
15 services for limited English proficient students, including  
16 the need for certified teachers; and

17                  "(vii) how the grant would supplement  
18 the basic services provided to limited English proficient  
19 students.";

20                  (B) in subparagraph (B)--

21                   (i) by amending clause (ii) to read as  
22 follows:

23                   "(ii) is coordinated with other

1 programs under this Act, and other Acts as appropriate,  
2 such as the Individuals with Disabilities Education Act and  
3 the Carl D. Perkins Vocational and Technical Education Act,  
4 in accordance with section 11505;"

5 (ii) by redesignating clauses (ii)  
6 through (v) as clauses (iii) through (vi) respectively; and

7 (iii) by inserting a new clause (ii)  
8 to read as follows:

9 "(ii) will supplement the basic  
10 services the applicant provides to limited English  
11 proficient students;" and

12 (C) by amending subparagraph (E) to read  
13 as follows:

14 "(E) An assurance that the applicant will  
15 employ teachers in the proposed program who individually,  
16 or in combination, are proficient in--

17 "(i) English, including written, as  
18 well as oral, communication skills; and

19 "(ii) the native language of the  
20 majority of students they teach, if instruction in the  
21 program is also in the native language." and

22 (4) in subsection (i) by--

23 (A) amending paragraph (1) to read as  
24 follows:

1           "(1) Priority. The Secretary is authorized to  
2 give priority to applicants that--

3           "(A) experience a dramatic increase in the  
4 number of limited English proficient students enrolled;

5           "(B) demonstrate that they have a proven  
6 record of success in helping children and youth with  
7 limited English proficiency learn English and achieve to  
8 high academic standards; or [NOTE TO OBM: There is already  
9 authority to ask for this information (and any other  
10 information) in the application section. We believe that  
11 since there is a priority for it, those applicants that  
12 have successful records will put in for the points, and  
13 those who don't (or have no record) won't.]

14           "(C) propose programs that provide for the  
15 development of bilingual proficiency both in English and  
16 another language for all participation students.";

17           (B) striking out paragraphs (2) and (3);  
18 and

19           (C) by redesignating paragraphs (4) and (5)  
20 as paragraphs (2) and (3), repectively.

21

22           EVALUATIONS UNDER SUBPART 1

23           SEC. 707. Section 7123 of the Act is amended--

24           (1) in subsection (a), by striking out "every

1 two years" and inserting in lieu thereof "every year";

2 (2) by amending subsection (c) to read as  
3 follows:

4 "(c) EVALUATION COMPONENTS.--(1) In preparing  
5 evaluation reports, the recipient shall--

6 "(A) use the data provided in the  
7 application as baseline data against which to report  
8 academic achievement and gains in English proficiency for  
9 students in the program;

10 "(B) report on the validity and reliability  
11 of all instruments used to measure student progress; and

12 "(C) enable results to be disaggregated by  
13 relevant factors, such as student's grade, gender, and  
14 language group, and whether the student has a disability.

15 "(2) Evaluations shall include--

16 "(A) data on the project's progress in  
17 achieving its objectives;

18 "(B) data showing the extent to which all  
19 students served by the program are achieving to the State's  
20 student performance standards, including--

21 "(i) data comparing limited English  
22 proficient children and youth with English proficient  
23 students with regard to grade retention and academic  
24 achievement in reading and language arts, in English and in

1 the native language if the project develops native language  
2 proficiency, and in math;

3                   "(ii) gains in English proficiency,  
4 including speaking, comprehension, reading, and writing, as  
5 developmentally appropriate, and such gains in native  
6 language proficiency if the project develops native  
7 language proficiency; and

8                   "(iii) reclassification rates  
9 **(including average duration in a program)** for limited  
10 English proficient students by grade, and data on the  
11 academic achievement of redesignated students for two years  
12 after redesignation;

13                   "(C) program implementation indicators that  
14 address each of the program's objectives and components,  
15 including the extent to which professional development  
16 activities have resulted in improved classroom practices  
17 and improved student achievement;

18                   "(D) a description of how the activities  
19 funded under the grant are coordinated and integrated with  
20 the overall school program and other Federal, State, or  
21 local programs serving limited English proficient children  
22 and youth; and

23                   (E) such other information as the Secretary  
24 may require." ; and

1 (3) adding a new subsection (d) to read as  
2 follows:

3 "(d) PERFORMANCE MEASURES. The Secretary shall  
4 establish performance indicators to determine if programs  
5 under sections 7113 and 7114 are making continuous and  
6 substantial progress, and may establish performance  
7 indicators to determine if programs under section 7112 are  
8 making continuous and substantial progress, toward  
9 assisting children and youth with limited English  
10 proficiency to learn English and achieve to challenging  
11 State content and performance standards."

12

13 RESEARCH

14 SEC. 708. Section 7132 of the Act is amended--

15 (1) in subsection (a), by--

16 (A) inserting the paragraph designation  
17 "(1)" before "The Secretary shall";

18 (B) striking out "through the Office of  
19 Educational Research and Improvement in coordination and  
20 collaboration with the Office of Bilingual Education and  
21 Minority Language Affairs"; and

22 (C) adding a paragraph (2) to read as  
23 follows:

24 "(2) Such research may include--

1                   "(A) collecting data needed for compliance  
2 with the Government Performance and Results Act;

3                   "(B) improving data collection procedures  
4 and the infrastructure for data collection on limited  
5 English proficient students, for purposes of improving  
6 instruction and accountability;

7                   "(C) developing research-based models for  
8 serving limited English proficient students of diverse  
9 language backgrounds and in diverse educational settings;

10                   "(D) identifying technology-based  
11 approaches that show effectiveness in helping limited  
12 English proficient students reach challenging State  
13 standards; and

14                   "(E) other research, demonstration, and  
15 data collection activities consistent with the purpose of  
16 this title.";

17                   (2) in subsection (b)--

18                   (A) in paragraph (1), by inserting "and "  
19 at

20 the end thereof;

21                   (B) by striking out paragraphs (2) and (3);

22 and

23                   (C) by redesignating paragraph (4) as  
24 paragraph (2);

1 (3) in subsection (c)--  
2 (A) in paragraph (1), by--  
3 (i) striking out "(1) IN GENERAL.--";  
4 and  
5 (ii) by striking out "under subpart 1  
6 or 2" and inserting lieu thereof "under subpart 1, section  
7 7124, or subpart 3"; and  
8 (B) striking out paragraph (2); and  
9 (4) by striking out subsection (e).  
10

11 ACADEMIC EXCELLENCE AWARDS

12 SEC. 709. Section 7133 of the Act is amended to read  
13 as follows:

14 "ACADEMIC EXCELLENCE AWARDS

15 "SEC. 7133. (a) AUTHORITY. The Secretary is authorized to  
16 make grants to State educational agencies to assist them in  
17 recognizing local educational agencies and other public and  
18 non-profit entities whose programs have--

19 "(1) demonstrated significant progress in  
20 assisting limited English proficient students to learn  
21 English within three years; and

22 "(2) demonstrated significant progress in



1 NATIONAL CLEARINGHOUSE ON THE EDUCATION OF CHILDREN AND  
2 YOUTH WITH LIMITED ENGLISH PROFICIENCY

3 SEC. 711. Section 7135 of the Act is amended to read  
4 as follows:

5 NATIONAL CLEARINGHOUSE ON THE EDUCATION OF CHILDREN AND  
6 YOUTH WITH LIMITED ENGLISH PROFICIENCY

7 "SEC. 7135. The Secretary shall establish and support  
8 the operation of a National Clearinghouse on the Education  
9 of Children and Youth with Limited English Proficiency,  
10 which shall collect, analyze, synthesize, and disseminate  
11 information about programs related to the education of  
12 children and youth with limited English proficiency and  
13 coordinate its activities with Federal data and information  
14 clearinghouses and dissemination networks and systems."

15

16 INSTRUCTIONAL MATERIALS DEVELOPMENT

17 SEC. 712. Section 7136 of the Act is amended to read  
18 as follows:

19 "INSTRUCTIONAL MATERIALS DEVELOPMENT

20 "SEC. 7136. (a) AUTHORITY. The Secretary may award  
21 grants for the development, publication, and dissemination  
22 of high-quality instructional materials--

23 "(1) in Native American and Native Hawaiian  
24 languages;



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"PURPOSE

"SEC. 7141. The purpose of this subpart is to assist in preparing educators to improve educational services for children and youth with limited English proficiency by supporting professional development programs for such educators."

TRAINING **FOR** ALL TEACHERS PROGRAM

SEC. 714. Section 7142 of the Act is amended--

(1) by amending subsection (a) to read as

follows--

"(a) PURPOSE. The purpose of this section is assist eligible applicants under subsection (b) (1) to develop and provide ongoing professional development to teachers and other educational personnel with a baccalaureate degree to improve their provision of services to limited English proficient students or to become certified as a bilingual or English as a second language teacher.";

(2) in subsection (b)--

(A) by amending paragraph (1) to read as

follows:

"(1) AUTHORITY. The Secretary is authorized to award grants under this section to local educational agencies or to one or more local educational agencies in

1 consortium with one or more State educational agencies,  
2 institutions of higher education, or nonprofit  
3 organizations."; and

4 (B) in paragraph (2), by striking out  
5 "five" and inserting in lieu thereof "three"; and

6 (3) by amending subsection (c) to read as  
7 follows:

8 "(c) ACTIVITIES.--(1) Funds under this section shall  
9 be used to conduct high-quality, long-term professional  
10 development activities.

11 "(2) Funds under this section may be used to--

12 "(A) design and implement induction  
13 programs for new teachers, including mentoring and coaching  
14 by trained teachers, team teaching with experienced  
15 teachers, time for observation of, and consultation with,  
16 experienced teachers; and additional time for course  
17 preparation;

18 "(B) implement school-based collaborative  
19 efforts among teachers to improve instruction in reading  
20 and other core academic areas for students with limited  
21 English proficiency, including programs that facilitate  
22 teacher observation and analyses of fellow teachers'  
23 classroom practice;

24 "(C) support long-term collaboration among

1 teachers and outside experts to improve instruction of  
2 limited English proficient students;

3           "(D) coordinate project activities with  
4 other programs such as those under the Head Start Act and  
5 titles I and II of the Act;

6           "(E) implement programs that support  
7 effective teacher use of education technologies to improve  
8 instruction and assessment;

9           "(F) establish and maintain local  
10 professional networks;

11           "(G) develop curricular materials and  
12 assessments for teachers that are aligned with State and  
13 local standards and the needs of, the limited English  
14 proficient students to be served; and

15           "(H) develop education technology to  
16 enhance professional development; and

17           "(I) such other activities as are  
18 consistent with the purpose of this section."

19

20           BILINGUAL EDUCATION TEACHERS AND PERSONNEL GRANTS

21           SEC. 715. Section 7143 of the Act is amended--

22           (1) by amending subsection (a) to read as  
23 follows--

1           "(a) PURPOSE. The purpose of this section is to  
2 support preservice professional development to improve the  
3 preparation of prospective teachers who are preparing to  
4 teach children and youth of limited English proficiency.";

5           (2) by amending subsection (c) to read as  
6 follows--

7           "(c) AUTHORITY.--(1) The Secretary is authorized to  
8 make grants to institutions of higher education for  
9 preservice professional development in order to improve  
10 preparation for prospective teachers who are preparing to  
11 teach children and youth of limited English proficiency.

12           "(2) Each grant under this section shall be  
13 awarded for a period of not more than five years.

14           "(3) A recipient of a grant under this section  
15 shall coordinate its grant program activities with other  
16 programs under this Act and other Acts as appropriate.";  
17 and

18           (3) by adding a new subsection (d) to read as  
19 follow:

20           "(d) ACTIVITIES.--(1) Funds under this section shall  
21 be used to--

22           (A) put in place a course of study that  
23 prepares teachers to serve limited English proficient  
24 students;

1                   "(B) integrate course content relating to  
2 meeting the needs of limited English proficient students  
3 into all programs for prospective teachers;

4                   "(C) assign tenured faculty to train  
5 teachers to serve limited English proficient students;

6                   "(D) incorporate State content and  
7 performance standards into the institution's coursework;  
8 and

9                   "(E) expand clinical experiences for  
10 participants.

11                  "(2) Funds under this section may be used to--

12                   "(A) support partnerships with local  
13 educational agencies that include placing participants in  
14 intensive internships in local educational agencies that  
15 serve large numbers of limited English proficient students;

16                   "(B) restructure higher education course  
17 content, including improving coursework and clinical  
18 experiences for all prospective teachers regarding the  
19 needs of limited English proficient students and  
20 preparation for teacher certification tests;

21                   "(C) assist other institutions of higher  
22 education to improve the quality of professional  
23 development programs for limited English proficient  
24 students;

1                   "(D) expand recruitment of students who  
2 will be trained to serve limited English proficient  
3 students;

4                   "(E) improve the skills and knowledge of  
5 faculty related to the needs of limited English proficient  
6 students;

7                   "(F) coordinate project activities with  
8 activities under title II of the Higher Education Act of  
9 1965; and

10                   "(G) use technology to enhance professional  
11 development."

12

13                   BILINGUAL EDUCATION CAREER LADDER PROGRAM

14                   SEC. 716. Section 7144 of the Act is amended--

15                   (1) by amending subsection (a) to read as  
16 follows--

17                   "(a) PURPOSE. The purpose of this section is to  
18 assist eligible consortia to develop and implement high-  
19 quality bilingual education career ladder programs.";

20                   (2) by amending subsection (b)(1) to read as  
21 follows--

22                   "(a) IN GENERAL.--(1) (A) The Secretary is authorized  
23 to award grants to consortia of one or more institutions of  
24 higher education and one or more State educational agencies

1 or local educational agencies to develop and implement  
2 bilingual education career ladder programs.

3 " (B) For purposes of this section, a  
4 "bilingual education career ladder program" means a program  
5 that--

6 " (i) is designed to provide high-  
7 quality, pre-baccalaureate coursework and teacher training  
8 to educational personnel who do not have a baccalaureate  
9 degree; and

10 " (ii) leads to timely receipt of a  
11 baccalaureate degree and certification or licensure of  
12 program participants as bilingual education teachers or  
13 other educational personnel who serve limited English  
14 proficient students.

15 " (C) Recipients of grants under this  
16 section shall--

17 " (i) coordinate with programs under  
18 title II of the Higher Education Act of 1965, and other  
19 relevant programs, for the recruitment and retention of  
20 bilingual students in postsecondary programs to train them  
21 to become bilingual educators; and

22 " (ii) make use of all existing sources  
23 of student financial aid before using grant funds to pay  
24 tuition and stipends for participating students.";

1 (3) in subsection (c)--  
2 (A) in paragraph (1)--  
3 (i) by striking out "consortium"; and  
4 (ii) at the end thereof, by inserting  
5 "and" after the semicolon;

6 (B) in paragraph (2), by striking out  
7 "teachers; and" and inserting in lieu thereof "teachers."  
8 and

9 (C) by striking out paragraph (3); and  
10 (4) by amending subsection (d) to read as

11 follows:

12 "(d) SPECIAL CONSIDERATION. The Secretary shall  
13 give special consideration to applications under this  
14 section that provide training in English as a second  
15 language, including developing proficiency in the  
16 instructional use of English and, as appropriate, a second  
17 language in classroom contexts."

18

19 GRADUATE FELLOWSHIPS IN BILINGUAL EDUCATION PROGRAM

20 SEC. 717. Section 7145(a) of the Act is amended--

21 (1) in paragraph (1), by striking out "masters,  
22 doctoral, and post-doctoral" and inserting in lieu thereof  
23 "masters and doctoral";

24 (2) by striking out paragraph (2); and

1           (3) by redesignating paragraph (3) as  
2 paragraph (2).

3

4           APPLICATIONS FOR AWARDS UNDER SUBPART 3

5           SEC. 718. Section 7146 of the Act is amended--

6           (1) in subsection (a)(4), by inserting "and  
7 applicants for grants under section 7145" after "Bureau of  
8 Indian Affairs"; and

9           (2) in subsection (b)--

10           (A) in paragraph (1)--

11           (i) by striking out "of such  
12 application copy" and inserting in lieu thereof "an  
13 application under sections 7132, 7133, or 7134"; and

14           (ii) by inserting "the written review  
15 of" after "and transmit"; and

16           (B) in paragraph (2), by striking out "this  
17 subpart" and inserting in lieu thereof "sections 7132,  
18 7133, and 7134".

19

20           EVALUATIONS UNDER SUBPART 3

21           SEC. 719. Section 7149 of the Act is amended to read  
22 is as follows:

23           "PROGRAM EVALUATIONS

1 "SEC. 7149. Each recipient of funds under this  
2 subpart shall provide the Secretary with an evaluation of  
3 its program every year. Such evaluations shall include  
4 the--

5 "(1) number of participants served, the number  
6 of participants who have completed program requirements,  
7 and the number of participants who have taken positions in  
8 an instructional settings with limited English proficient  
9 students;

10 "(2) effectiveness of the program in imparting  
11 the professional skills necessary for participants to  
12 achieve the objectives of the program; and

13 "(3) teaching effectiveness of graduates or  
14 other persons who have completed the training program.".

15

16 TRANSITION

17 SEC. 720. Subpart 4 of Part A of Title VII of the Act  
18 is amended to read as follows:

19 "Subpart 4 -- Transition

20

21 "TRANSITION

22 "SEC. 7161. Notwithstanding any other provision of  
23 law, a recipient of a grant under subpart 1 of Part A of  
24 this title that is in its third or fourth year of that

1 grant on the day preceding the date of enactment of  
2 Educational Excellence for All Children Act of 1999 shall  
3 be eligible to receive continuation funding under the terms  
4 and conditions of the original grant."

5

6 FINDINGS OF THE EMERGENCY IMMIGRANT EDUCATION PROGRAM

7 SEC. 721. Section 7301(a) of the Act is amended--

8 (1) in paragraph (3), by striking out "and" at  
9 the end thereof;

10 (2) by redesignating paragraph (4) as paragraph  
11 (5); and

12 (3) by adding a new paragraph (4) to read as  
13 follows:

14 "(4) an increasing number of immigrant children  
15 are entering US schools with interrupted or little previous  
16 schooling; and".

17

18 STATE ADMINISTRATIVE COSTS

19 SEC. 722. Section 7302 of the Act is amended by  
20 inserting a comma and "or 2 percent if the State  
21 educational agency distributes funds received under this  
22 part to local educational agencies on a competitive basis,"  
23 after "1.5 percent of the amount".

24



1 criteria for no longer being considered limited English  
2 proficient.".

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4 REGULATIONS, PARENTAL NOTIFICATION, AND USE OF  
5 PARAPROFESIONALS

6 SEC. 726. Section 7502 of the Act is amended by--

7 (1) amending the section heading to read as  
8 follows:

9 "REGULATIONS, PARENTAL NOTIFICATION, AND USE OF  
10 PARAPROFESIONALS";

11 (2) in subsection (b)--

12 (A) in paragraph (1)--

13 (i) in the matter before subparagraph  
14 (A), by striking out "youth participating in" and inserting  
15 in lieu thereof "youth who will participate in"; and

16 (ii) in paragraph (C)--

17 (I) in the matter before clause  
18 (i), by striking out "goals of the bilingual education or  
19 special alternative instructional program" and inserting in  
20 lieu thereof "goals of the program related to the  
21 education of children and youth with limited English  
22 proficiency "; and

23 (II) in clause (1), by striking

1 out "results of the bilingual educational program and of  
2 the instructional alternatives" and inserting in lieu  
3 thereof "results of the instructional programs related to  
4 the education of children and youth with limited English  
5 proficiency"; and

6 (B) in paragraph (2)--

7 (i) by amending the paragraph heading  
8 to read "OPTION TO WITHDRAW."; and

9 (ii) by amending paragraph (A) to read  
10 as follows:

11 "(A) A recipient of funds under subpart 1 of  
12 part A shall also provide a written notice to parents of  
13 children who will participate in the programs under that  
14 subpart, in a form and language understandable to the  
15 parents, that informs them that they may withdraw their  
16 child from the program at any time."; and

17 (3) adding a new subsection (c) to read as  
18 follows:

19 "(c) USE OF PARAPROFESSIONALS. The  
20 provisions of section 1119(c) of this Act shall apply to  
21 all new staff hired to provide academic instruction in  
22 programs supported under Part A, Subpart 1, on or after the  
23 date of enactment of the Educational Excellence for All  
24 Children Act of 1999."

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## TERMINOLOGY

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SEC. 727. (a) PART A. Subparts 1 and 2 of Part A of Title VII of the Act are amended by striking out "bilingual education or special alternative instruction programs" and "bilingual education or special alternative instructional programs" each place they appear and inserting in lieu thereof "instructional programs".

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(b) PART E. Section 7501(6) of the Act is amended by striking out "a bilingual education and special alternative instructional program" and inserting in lieu thereof "an instructional program".

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## REPEALS

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SEC. 728. (a) REPEALS IN PART A. Sections 7112, 7117, 7119, 7120, 7121, and 7147 of the Act are repealed.

(b) REPEAL OF PART B. Part B of Title VII of the Act is repealed.

19

## REDESIGNATIONS AND CONFORMING AMENDMENTS

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21

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SEC. 729. (a) PART REDESIGNATIONS. Parts C, D, and E of Title VII of the Act are redesignated as Parts B, C, and D, respectively.

23

24

(b) SECTION REDESIGNATIONS. Sections 7113, 7114, 7115, 7116, 7118, 7122, 7123, 7124, 7131, 7132, 7133, 7134,

1 7135, 7136, 7141, 7142, 7143, 7144, 7145, 7146, 7148, 7149,  
2 7150, 7161, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308,  
3 7309, 7401, 7402, 7403, 7404, 7405, 7501, and 7502 of the  
4 Act are redesignated as sections 7112, 7113, 7114, 7115,  
5 7116, 7117, 7118, 7119, 7121, 7122, 7123, 7124, 7125, 7126,  
6 7131, 7132, 7133, 7134, 7135, 7136, 7137, 7138, 7139, 7141,  
7 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7301,  
8 7302, 7303, 7304, 7305, 7401, and 7402 of the Act,  
9 respectively.

10 (c) CONFORMING AMENDMENTS.--(1) Section 7111 of the  
11 Act is amended by striking out "7114, and 7115" and  
12 inserting in lieu thereof "and 7114";

13 (2) Section 7112(b)(1)(A) of the Act, as  
14 redesignated, is amended by striking out "section 7116" and  
15 inserting in lieu thereof "section 7115";

16 (3) Section 7113(b)(1)(A) of the Act, as  
17 redesignated, is amended by striking out "section 7116" and  
18 inserting in lieu thereof "section 7115";

19 (4) Section 7114(b)(1)(A) of the Act, as  
20 redesignated, is amended by striking out "section 7116" and  
21 inserting in lieu thereof "section 7115";

22 (5) Section 7115(g) of the Act, as  
23 redesignated, is amended--

24 (A) in paragraph (1)(B)(ii), by striking

1 out "section 14306" and inserting in lieu thereof "section  
2 11505"; and

3 (B) in paragraph (2), by striking out  
4 "section 7114 or 7115" and inserting in lieu thereof  
5 "section 7113 or 7114";

6 (6) Section 7135(a)(3) of the Act, as  
7 redesignated, is amended by striking out "section 7149" and  
8 inserting in lieu thereof "section 7138";

9 (7) Section 7202 of the Act, as redesignated, is  
10 amended by striking out "section 7304" and inserting in  
11 lieu thereof "section 7204";

12 (8) Section 7204 of the Act, as redesignated, is  
13 amended--

14 (A) in subsection (a), by striking out  
15 "section 7301(b)" and inserting in lieu thereof "section  
16 7201(b)";

17 (B) in subsection (e)(2), by striking out  
18 "section 7307" and inserting in lieu thereof "section  
19 7207";

20 (9) Section 7205(a) of the Act, as  
21 redesignated, is amended--

22 (A) in paragraph (2), by striking out  
23 "sections 7301 and 7307" and inserting in lieu thereof  
24 "sections 7201 and 7207";

1 (B) in paragraph (4), by--  
2 (i) striking out "section 7304(e)" and  
3 inserting in lieu thereof "sections 7204(e)"; and  
4 (ii) striking out "section 7304(b)(1)"  
5 and inserting in lieu thereof "section 7204(b)(1)"; and  
6 (C) in paragraph (8), by striking out  
7 "section 7304" and inserting in lieu thereof "section  
8 7204";  
9 (10) Section 7206 of the Act, as redesignated,  
10 is amended--  
11 (A) in subsection (a)--  
12 (i) by striking out "section 7305" and  
13 inserting in lieu thereof "section 7205"; and  
14 (ii) by striking out "section 7305" and  
15 inserting in lieu thereof "section 7205"; and  
16 (B) in subsection (b), by striking out  
17 "section 7305(a)(7)" and inserting in lieu thereof "section  
18 7205(a)(7)";  
19 (11) Section 7208 of the Act, as redesignated,  
20 is amended by striking out "section 14701" and inserting in  
21 lieu thereof "section 11111"; and  
22 (12) Section 7305(d)(2) of the Act, as  
23 redesignated, is amended by striking out "section 7134" and  
24 inserting in lieu thereof "section 7124".

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