

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 052 - FOLDER -009

[06/11/1999]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1999 12:39:07.00

SUBJECT: entertaining, in case you missed it

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: Neera Tanden (CN=Neera Tanden/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

TEXT:

From Monday's LA Times. I don't know which quote I like better -- "We're driven by market forces ... People love violence" or "They thought they owned this guy."

Hollywood Surprised by Clinton's Violence Inquiry

Entertainment: Some in industry are miffed at president, saying he has

one-upped Congress at their expense.

By AMY WALLACE, FAYE FIORE, Times Staff Writers

Shortly after President Clinton loosed federal investigators on the entertainment industry last week, Hollywood began cooking up conspiracy theories. What, blindsided executives in Los Angeles wanted to know, had made this Democrat--a fan of pop culture, defender of the 1st Amendment and major beneficiary of the industry's largess--launch a \$1-million inquiry into how they market violence to children? Was the lame duck president searching for a legacy that wasn't scandal? Was he mad that not a single Hollywood honcho had attended his May 10 youth violence summit? Was he trying to give Hillary Clinton a springboard to run for the Senate? "Clinton did this in a surprising way," said Donna Bojarsky, a Democratic activist with long-standing Hollywood ties. "People are trying to understand it." What had happened in the six weeks between

the high school
unprecedented probe of
insular worlds of
If on the surface
survive by figuring
key respect:
profits.

movie industry insider,
of violence is out of
America. People love
'The Matrix' just made

viewpoint--bolstered by the
then plunk down
Hollywood unaware
entertainment world
that Clinton

desires of millions of
depth of the
Littleton and the political

told him what this would
East Coast film
more powerful
seized."

last week were vintage
timing. The
Trade Commission and
of music, movies
by the House.
Day recess,

massacre in Littleton, Colo., and Clinton's
entertainment violence only underscored how the
Washington and Hollywood play by different rules.
they both attract big egos, value showmanship and
out what America wants, they are different in one
Washington lives by votes, and Hollywood by

"We're driven by market forces," said one
rejecting the notion that Hollywood's production
sync with the nation. "We are in sync with
violence. They will rebuke it all day long, but
\$155 million."

However accurate, that bottom-line
fact that moviegoers often say they want one thing
\$8 at the multiplex to see another--may have left
that this time Clinton meant business. Few in the
expected the boom would be lowered so quickly, or
would be the one to lower it.

But if the industry was in tune with the
consumers, it was hopelessly out of touch with the
national sentiment demanding action after
realities of Washington.

"Clinton was well-armed with polling that
mean, and he doesn't move without that," said one
industry lobbyist. "There are few forces of nature
than a political opportunity waiting to be

Political insiders agree that the events of
Clinton--co-opting a popular issue with expert
Senate-passed legislation ordering the Federal
Department of Justice to investigate the marketing
and video games to children was awaiting approval
When Congress went out of town for the Memorial

himself.
 similar
 accept sex and
 and publicly condemning
 sometimes profound
 the industry that
 weeks after Littleton, the
 Hollywood's strong
 shielding it.
 principals
 Katzenberg hosted a
 Democratic Party.
 that the
 loathe to take it
 could [Clinton] do?"
 say Hollywood
 time and again last
 behind the 1st
 violent product,
 Many in the
 curtail youth violence,
 had the chance.
 finger-pointing," said
 SKG, adding
 inconsistent with the
 without blame.

Clinton leaped out front and ordered the probe

His action was consistent with his history on
 issues--pushing a balking television industry to
 violence ratings, lambasting violent rap lyrics
 the industry's excesses.

Inquiry Follows Party Fund-Raiser
 What recent events illustrate is the

disconnect between the Democratic president and
 thinks it has a relationship with him. In the
 links between the two power centers were frayed.
 Some East Coast political analysts said

financial support of Clinton's agenda probably
 boomeranged--targeting the industry rather than

The inquiry came two weeks after DreamWorks
 Steven Spielberg, David Geffen and Jeffrey
 Beverly Hills event that raised \$2 million for the
 Some saw the inquiry as a move to ward off charges
 Democrats use Hollywood as a cash machine but are
 to task on tough issues.

"After that fund-raiser in Los Angeles what
 said one political observer. "People were going to
 bought him [and the Democrats] off."

Those contradictory perspectives were voiced
 week: Washington accused Hollywood of hiding
 Amendment to defend the production of disturbingly
 and Hollywood decried Washington for scapegoating.
 industry said it was their earnest desire to help
 but that the White House slammed them before they

"[Clinton's] announcement certainly felt like
 Andy Spahn, corporate spokesman for DreamWorks
 that the timing and scope of the inquiry seemed
 president's earlier invitation to work together

Industry leaders were discussing possible

steps to reduce youth
us were
unfold isn't clear
publicist noted that
don't have a lot of
their aura, their glitter,
their homes. That's
thought the
guy," the
nowhere to go."

violence when Clinton charged ahead. "Why none of
consulted and why that process wasn't permitted to
to me," Spahn said.

Nevertheless, one entertainment industry
though Hollywood players may feel miffed, they
alternatives.

"It's not just about the money. They share
their fairy dust. They let [politicians] come to
what flips them out more than anything else. They
seduction had worked. They thought they owned this
publicist said. "But they're stuck. There's

Clinton Earlier Expressed Concerns

Clinton's concerns about media violence are
not new--he has been
campaigning for president in
Bergen as an
then-Vice President
gratuitous violence
election, Clinton urged
personal responsibility

consistent about the issue since he first
1992. After TV's "Murphy Brown" featured Candice
unwed mother--drawing fire from the likes of
Dan Quayle--Clinton said he was "troubled by the
and sex and mixed moral signals on television."

Visiting Hollywood in late 1993 after his
agents at the Creative Artists Agency to take
for what they helped produce.

Clinton spoke of a
acts. The combined
a solution--or at
one--made it clear in
taken to assure the
around waiting for the
beginning to focus our
people, and since
ways," said a senior
industry haven't

Then at last month's White House summit,
direct link between violent images and violent
eagerness of Congress and the White House to find
least to appear to be actively searching for
Washington that some federal action had to be
nation that its government wasn't just sitting
next campus tragedy.

"The president was determined from the
efforts on ending marketing of violence to young
the summit he has made that point in a variety of
White House official. "Many in the entertainment

creative license, and grasped the distinction between marketing and
government, even one that's they had a reaction to any action by the
own [movie] rating designed to reinforce the spirit of the industry's
system."

Assn. of America, Hilary Rosen, president of Recording Industry
understand that responded: "It's not that the industry didn't
cynicism about Washington was serious. But there is a broad-based
done because we the president's motives--that something has to be
have to look like we're doing something."

beginning. On Friday, Sen. The federal inquiry may only be the
(R-Ariz.) in a Joseph Lieberman (D-Conn.) joined Sen. John McCain
on cigarettes to bid to expand the law that requires warning labels
to introduce a apply to violent entertainment products. They plan
analysts saw the action Senate bill to that effect next week. Industry
with Clinton and as the latest volley in a game of one-upmanship,
Hollywood hardest. Congress now competing to see which could slap

deliver a "wake-up As politicians such as Lieberman vowed to
awake. call," by week's end Hollywood was already wide

Sister Souljah," "Bill Clinton loves black people. He rebukes
1992 condemnation mused one Hollywood insider, recalling Clinton's
the Los Angeles of the militant black rap singer's comments after
riots.

the Republican version "Bill Clinton loves poor people. He signed
he bashes of welfare reform. He's a friend of Hollywood and
of the street he likes Hollywood. It's not inconsistent with the middle
to walk. We are Sister Souljah right now."

decision to limit the What inflamed Tinseltown most was Clinton's
leaving the impression federal inquiry to the entertainment industry,
that the guns were not part of the problem.

of Democratic TV producer Norman Lear, a longtime supporter
entire culture, the whole causes, said, "Singling us out--looking at the
the finger because fabric, and picking out one thread and pointing

reaction is the
 at a straw. I find that
 spurned, could have
 the reason Clinton's
 unanimous support of
 official. But
 official said, and
 that it was

fragmented nature
 are part of
 and competing
 dissatisfied with the ways

Washington lobbyist.

'We will no longer

Democratic Sen.]

they all support

responding in its

violent projects, even

feature film franchise

humorous children's books

of Littleton.

but to think that the gun

inane," said Jeff

label, who in the

registration effort

bad thing."

Elizabeth Jensen

that's the way the wind is blowing? My visceral
 president . . . had nothing to say, so he grabbed
 totally objectionable."

That people feel not just ambushed, but
 lasting effects for the Democratic Party, part of
 decision to launch the inquiry did not have the
 his advisors, according to one senior White House
 Clinton "felt comfortable" with the timing, the
 remarked heading back from the Rose Garden Tuesday
 "the right thing to do."

Part of Clinton's comfort could stem from the
 of contemporary Hollywood. The movie studios now
 multinational corporations with myriad products
 interests. Actors and directors often are
 studios market their films.

"There is no monolith Hollywood," said one
 "One guy can't stand up, snap his fingers and say,
 support the White House, Hillary or [California
 Dianne Feinstein.] Not like other industries where
 their friends all the time."

Meanwhile, there are signs that Hollywood is
 own way. Agents report a "chilling effect" on
 the most innocuous. Disney's plan to create a
 called "Fear Street" (based on a series of
 by R.L. Stine) reportedly was shelved in the wake

And not everyone is chafing at the inquiry.

"I understand being singled out looks bad,
 lobby hasn't been singled out since Columbine is
 Ayeroff, co-chief of Sony Music's Work Group
 early '90s helped create "Rock the Vote," a voter
 aimed at young people. "Self-examination isn't a

* * *

Times staff writers Ronald Brownstein and

Los Angeles, Fiore

contributed to this report. Wallace reported from
from Washington.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1999 15:03:06.00

SUBJECT: Another article on testing...

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

An article from today's National Journal on Education Test Use Resource Guide is below.

FYI -- I've traded emails with Consel's office/Peter Rundlet about setting up a meeting with the folks in OCR to discuss the various editorials/responses to the draft guide and OCR/ED's proposed strategy to counter the claims made in various publication about the intent/message of the guide (e.g. sending out a letter with the guide that explains its purpose). Peter said that he has raised the idea of meeting with the two of you, Chuck and Maria -- and that Maria was planning to pull together a meeting to discuss.

>

> -----Original Message-----

>

> . National Journal

> 06/12/99Section: LEGAL AFFAIRS; Category: Commentary

>

>

> Civil Rights Cops Aim at Educational Tests

> By Stuart Taylor Jr.

> Contrary to recent publicity, insists Deputy Assistant Secretary Arthur

L.

> Coleman, No. 2 in the Education Department's Office for Civil Rights, his

> office is not trying to scare educators out of using standardized tests.

> Nor, he says, is Education trying to force perpetual use of racial

> preferences in admissions at America's elite colleges.

> Coleman seems a sincere and idealistic fellow, and I take him at his

word.

> But whatever his office's intent, the draft policy manual that it

> circulated to educators last month is, to be blunt about it, a pretty

> scary document.

>

> The draft--titled ``Nondiscrimination in High-Stakes Testing: A Resource

> Guide''--is to be issued in final form this fall, after comments by

> interested groups (among them the College Board and the National School

> Boards Association) are considered. The guide should prompt Congress to

> hold oversight hearings on whether the Administration's reading of our

> civil rights laws is at odds with efforts by school systems and

> universities around the country to measure and compare individual
> students' academic achievement and potential, the better to make informed
> placement and admissions decisions and to raise academic standards.
>
> The draft guide, cast in politely intimidating language, is a jarring
> blend of tendentious and confusing legal analysis. Its message to college
> admissions officers, and to state and local school administrators who use
> standardized tests in local schools to, say, place students in
> special-education programs and to determine if a student is qualified for
> a high school diploma, is essentially this:
>
> If the average black or Hispanic scores on your test are significantly
> lower than those of whites (as is true of virtually all widely used
> tests), then you are guilty of racial discrimination unless you can meet
> a
> rather daunting set of standards. Specifically, you must produce
rigorous,
> scientific evidence not only that this particular test was
``educationally
> necessary,'' but also that there was no ``practicable alternative form of
> assessment'' that could ``substantially'' serve your educational goals
> while producing more racially proportionate success rates.
>
> This draft ``Resource Guide'' is not merely an academic exercise. ``The
> Department [of Education] has a lot of clout,'' an educator deeply
> involved in the college admissions process says. ``The thought of getting
> one of those letters that say, `You're under investigation,' that sends
> chills down your spine.''
>
> Adds Sheldon E. Steinbach, vice president and general counsel of the
> American Council on Education, the major coordinating body of American
> higher education: ``The issue [of whether standardized tests can survive
> civil rights scrutiny] is pivotal in terms of the future of the nation. .
> . . Given the increased evidence of grade inflation in high schools
> throughout the country, objective ways of measuring academic standards,
> utilized in a proper manner, need to be in place; otherwise the nation
> stands the possibility of being engaged in massive self- deception about
> educational achievement.''
> Steinbach also notes that portions of
> Education's draft guide read like ``a road map for litigation.''
>
> The main problem with Education's legal analysis is that it misleadingly
> presents as ``settled federal legal principles'' what is in fact a
slanted
> and one-sided extrapolation from a smattering of lower court decisions
> that have barely begun to explore the sensitive questions raised by legal
> challenges to educational tests.
>
> The draft guide begins with the complex body of statistically based
> ``disparate-impact'' case law that the courts began devising almost 30
> years ago, largely to prevent biased employers in the newly desegregated
> South and elsewhere from using tests and other devices as barriers to
> low-scoring black workers even when they were well-qualified for the
> particular job to be done. The draft guide puts a misleading spin on
> those
> precedents by exaggerating how hard it would be to defend against
> disparate-impact lawsuits. It also transfers rules derived from job
> discrimination precedents wholesale to the very different context of
> educational decisions, calls made by people whom there is no reason to
> suspect of racial bias.
>

> So it is that some of the most committed advocates of racial diversity on
> the face of the earth--the nation's college administrators--are told that
> they will be deemed racial discriminators if they rely more heavily on
SAT
> scores than Education's civil rights cops think they should.
>
> One would hardly guess from reading the draft guide that few educational
> tests have ever been challenged in court on disparate-impact grounds, let
> alone found to discriminate. Nor would one guess that the Supreme Court
> has stressed (in a 1988 ruling in *Watson vs. Fort Worth Bank & Trust*)
that
> an employment practice with a disparate impact is illegal only if it has
> ``operated as the functional equivalent of a pretext for discriminatory
> treatment''; that ``the ultimate burden of proving . . . discrimination .
> . . remains with the plaintiff at all times''; and that an employment
test
> with a disparate impact is discriminatory only if the plaintiff can prove
> that it is not job-related or that some alternative would be ``equally as
> effective''--not ``substantially as effective''--in choosing the best
> workers.
>
> It seems highly unlikely that the Supreme Court will ever approve
> Education's virtual presumption that using educational tests on which
> poorly educated black and Hispanic students don't do well adds up to
> illegal discrimination. But while awaiting more judicial guidance,
> educators may have a hard time justifying to the Clinton Administration
> any use of tests on which black and Hispanic students do less well than
> whites and Asians.
>
> Consider the Administration's successive reactions to the 1996 adoption
by
> California's voters of Proposition 209, which barred the state and local
> governments, including the University of California system, from using
> racial preferences. (The university's regents had adopted a parallel ban
> in 1995.)
>
> First came an (unsuccessful) attack by the Justice Department on
> Proposition 209's constitutionality based on the Orwellian notion that
the
> vote to end official discrimination in favor of black and Hispanic people
> amounted to discrimination against them. Then, in the same spirit,
> President Clinton, in July 1997, dishonestly and demagogically asserted
> that ``the people who promoted this in California think it's a good thing
> to have a segregated set of professional schools.''
>
> Also in July 1997, Education's Civil Rights Office launched an
> investigation into whether the University of California's more-elite
> campuses were discriminating against black and Hispanic applicants--whose
> admissions had plunged with the abolition of preferences--by placing too
> much emphasis on SATs and other measures on which white and Asian
students
> do better.
>
> It would, of course, be preposterous to impute discriminatory intent to
> the university's administrators, who fought to keep preferences and have
> long championed the admission of as many black and Hispanic students as
> possible in pursuit of racial diversity. But in Education's view--derived
> from disparate-impact precedents in job discrimination cases--benign
> intent is no defense.
>

> This investigation of California universities should worry almost any
> school or college that uses any test that leads to racial
> disparities--unless it also uses quotas or preferences to fix its
numbers.
> A vast body of studies shows the SAT, when considered together with high
> school grades and other criteria (as is usual), to be the most reliable
> known predictor of academic success in college. No other test would be
> easier to defend as ``educationally necessary.'' And few schools have the
> resources that the University of California system can muster to defend
> its admissions process.
>
> Yet the inquiry remains open, after almost two years. (Coleman declines
to
> discuss its status.) Meanwhile, in February, eight minority students
filed
> a class action disparate-impact lawsuit charging the University of
> California (Berkeley) with discrimination in admissions, based largely on
> its use of test scores.
>
> Coleman asserts that his office does not attack ``proper'' uses of the
> SAT. He also stresses that a prime purpose of the draft Resource Guide is
> to provide much-needed guidance to educators from the elementary through
> high school levels, who sometimes use tests in ways widely considered
> improper by education experts.
>
> No doubt there are educators who use tests improperly. No doubt some of
> them unfairly deny opportunities to some black and Hispanic children--and
> to some white and Asian children as well. But, absent evidence of
> systematic racial bias, is the best remedy a process of intimidating
> oversight by federal civil rights bureaucrats whose priorities seem to
be
> racially proportionate success rates rather than academic excellence?
>
> Congress might want to give some thought to the question.
>
>
>
>
>
>
>

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D32]ARMS20419507M.136 to ASCII,
The following is a HEX DUMP:

```
789F3E22091201069008000400000000001000100010790060008000000E404000000000000E8
0001088007001800000049504D2E4D6963726F736F66674204D61696C2E4E6F7465003108010800
05000400000000000000000000000000109000400020000000000000000001058003000E000000CF0706000B
000E000A000C000500100101208003000E000000CF0706000B000E000C00070005000D01010980
010021000000343636324330303231363230443331314246334230303036324230303043313600
```

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_17059139_opd_html_1.tnf

Attachment Number: [ATTACH.D32]ARMS20419507M.136 to ASCII

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Deborah Akel (CN=Deborah Akel/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUN-1999 15:01:47.00

SUBJECT: Please approve talking points

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

READ:UNKNOWN

TO: Courtney O. Gregoire (CN=Courtney O. Gregoire/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

In Jose's absence, he suggested I have Elena take a look at these before I send them out. Please let me know if they meet your approval. Thanks.

===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D87]ARMS21009507X.136 to ASCII,
The following is a HEX DUMP:

FF5750439A110000010A02010000000205000000832A00000002000007E793BD43B63BDA970B06F
2B23C6076A2963D28B13D9A047817462AF02152DE8397AD7FAB1A115E9FA993479C26FF06110BB
1F62D8822DA81354322981DC8F0D1E6E7681FA892AB923E80FEB820E94F0A2AC32F102EBBB3518
30F6D683333922D8DAF2CADF2815967EE448C3FC9A6E0FC6A47C31285398934AB0082F02CC0E18

**PRESIDENT CLINTON AND VICE PRESIDENT GORE:
FIGHTING FOR MORE COPS AND FEWER GUNS**

June 11, 1999

"We want more police on the street and fewer guns in the hands of criminals and children. They want more guns on the street and fewer cops. I think that's the wrong approach for America."

President Bill Clinton
June 11, 1999

Today, in a satellite address to the U.S. Conference of Mayors, President Clinton expressed concern for Congressional legislation that threatens to undermine progress on the war against crime. The House version of the Senate-passed gun legislation creates new loopholes at the request of the gun lobby, and a Senate bill voted on yesterday zeros out the President's COPS community police program. The President urged Congressional Republicans to heed the call of the American people and put the interests of our children over that of the gun lobby.

VOWING TO DEFEAT NEW GUN LOOPHOLES. The President expressed his dismay at House Republicans for watering down the gun legislation passed by the Senate last month in an attempt to curry favor with the gun lobby. According to news reports, the NRA is claiming that the Republican bill gives them 90% of the loopholes they requested. The House version of the bill weakens the Senate-passed legislation in that it:

- redefines the term "gun show" so that background checks are not required in all cases where a large number of guns are sold, including flea markets;
- shortens the amount of time given to law enforcement officers to complete background checks;
- makes it more difficult for law enforcement to trace certain guns sold at gun shows which are later used in crimes;
- eliminates the requirement that sellers be notified of background check requirements;
- exempts certain gun sellers from verifying their identity to the gun show promoter;
- allows federal gun dealers to ship guns directly to unlicensed buyers across state lines; and
- opens up the entire instant check system to fraud and abuse by requiring immediate destruction of records.

The President vowed to work hard to defeat the passage of these new loopholes into law.

FIGHTING FOR MORE COPS ON OUR STREETS. The President expressed his opposition to yesterday's Senate vote to zero out his COPS Initiative. COPS, a successful program to put more police officers on the streets, has been instrumental in **helping communities to cut crime nationwide. Local officials and community residents have praised the COPS program for helping to bring down crime and make their communities safer. Just last month, the President announced funding for 100,000 officers for our nation's streets, and the President's balanced budget provides nearly \$1.3 billion to continue the COPS program to put even more officers on our streets and give them the tools they need to make our streets safe.**

BUILDING ON OUR SUCCESS WITH THE RIGHT STRATEGY. The President criticized Congress for cutting funds for more police while adding new loopholes to our gun laws. He urged Congress instead to build on our success in the fight against crime by funding more police and working to keep guns out of the hands of children and criminals.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1999 12:49:17.00

SUBJECT: FINAL CLEARANCE -- Draft SAP -- S. 1186 Energy/Water Appropriations, FY00

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

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

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

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

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

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

TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TO: Lynn G. Cutler (CN=Lynn G. Cutler/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: Miles M. Lackey (CN=Miles M. Lackey/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

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

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

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

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

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

TO: Sally Katzen (CN=Sally Katzen/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Courtney O. Gregoire (CN=Courtney O. Gregoire/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: William G. Dauster (CN=William G. Dauster/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Linda Ricci (CN=Linda Ricci/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Robert L. Nabors (CN=Robert L. Nabors/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Lisa Zweig (CN=Lisa Zweig/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

CC: Shannon Mason (CN=Shannon Mason/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Michele Ballantyne (CN=Michele Ballantyne/OU=WHO/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

CC: Mara E. Rudman (CN=Mara E. Rudman/OU=NSC/O=EOP@EOP [UNKNOWN])

READ:UNKNOWN

CC: Adrienne C. Erbach (CN=Adrienne C. Erbach/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Lisa M. Kountoupes (CN=Lisa M. Kountoupes/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: Mark J. Tavlarides (CN=Mark J. Tavlarides/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

CC: Victoria A. Wachino (CN=Victoria A. Wachino/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

CC: Judy Jablow (CN=Judy Jablow/OU=CEQ/O=EOP@EOP [CEQ])
READ:UNKNOWN

CC: Elizabeth Gore (CN=Elizabeth Gore/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

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

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

TEXT:

Attached below for your review and sign-off is a final draft SAP for S. 1186 -- Energy/Water Development Appropriations Bill, FY00. S. 1186 is scheduled for Senate floor consideration on Monday, June 14. We would appreciate your comments and sign-off by 3:00PM Today. Thank you!

Draft 6/11 12:45PM

June , 1999

(Senate Floor)

S. 1186 -- ENERGY AND WATER DEVELOPMENT
APPROPRIATIONS BILL, FY 2000
(Sponsors: Stevens (R), Alaska; Domenici (R), New Mexico)

This Statement of Administration Policy provides the Administration's views on S. 1186, the Energy and Water Development Appropriations Bill, FY 2000, as reported by the Senate Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The allocation of discretionary resources available to the Senate under the Congressional Budget Resolution is simply inadequate to make the necessary investments that our citizens need and expect. The President's FY 2000 Budget proposes levels of discretionary spending that meet such needs while conforming to the Bipartisan Budget Agreement by making savings proposals in mandatory and other programs available to help finance this spending. Congress has approved and the President has signed into law nearly \$29 billion of such offsets in appropriations legislation since 1995. The Administration urges the Congress to consider such

proposals.

The Administration appreciates efforts by the Senate Appropriations Committee to accommodate certain of the President's priorities within the 302(b) allocation. However, the Senate bill is nearly \$200 million below the program level requested by the President and includes significant reductions in a number of high priority programs. These concerns are discussed below.

Department of Energy

The Administration is concerned with the large shift in the Committee bill from key domestic priorities of the Department of Energy (DOE) to fund Atomic Energy Defense Activities. The bill provides \$267 million less than the President's request for DOE's domestic programs and adds \$261 million to the President's request for defense activities (\$619 million more than the FY 1999 enacted level, excluding a one-time emergency supplemental appropriation). The bill would significantly reduce vital programs in energy research and other activities to fund unrequested enhancements to nuclear weapons and other defense activities and are also not related to counterintelligence and security concerns.

Specific cuts include:

☐☐ ab Solar and Renewable Energy. The Administration strongly opposes the \$98 million reduction from the President's request for research and development (R&D) in solar and renewable resources technologies (including the use of \$6 million of carryover balances, thus reducing the total appropriation). The Committee mark would severely cripple both Administration efforts to accelerate the introduction of critical renewable energy technologies as well as important R&D efforts to make these clean energy sources more affordable.

☐☐ abEnvironmental Management. The Administration opposes the \$40 million reduction to the Uranium Enrichment Decontamination and Decommissioning Fund. At the Committee-recommended funding levels, the Department would be unable to meet requirements for activities at Oak Ridge, as well as ongoing cleanup activities at Portsmouth, Ohio, and Paducah, Kentucky, uranium enrichment facilities.

☐☐ abScience. The Administration opposes the \$27 million reduction to the request for construction of the Spallation Neutron Source (SNS). We continue to believe that the FY 2000 request represents the optimum funding level. As the funding level decreases, the risk of project cost increases and delays rises. Construction of the SNS must be completed in a timely manner to enable our best scientists to explore critical problems in fundamental science and applications for our materials and biotechnology industries.

Further, the Administration opposes the lack of funding in the bill for the Information Technology Initiative for the 21st Century and for the Next Generation Internet Initiative. Both of these initiatives would propel revolutionary breakthroughs in information technology and scientific computing in the United States.

In addition, the Administration regrets that the Committee has not

restored the funding required to complete the final phase of activities at the Bates Laboratory at the Massachusetts Institute of Technology.

□□ abDepartmental Administration. The Administration opposes the reductions in Departmental Administration programs. The reductions would impair implementation of Secretarial management initiatives now underway to restructure field management, reorganize security functions, enforce reductions in contractor travel and other overhead costs, and improve construction management.

□□ abYucca Mountain. The Administration opposes the reduction of \$54 million from the request for the civilian radioactive waste program. This reduction would threaten planned scientific, engineering, and design work essential to finalizing the Yucca Mountain repository design. This work is necessary to guide DOE's FY 2001 site suitability determination for Yucca Mountain. Reductions in funding for this work would jeopardize DOE's ability to meet its FY 2002 license application milestone if the site is found to be suitable. The proposed reduction would also reduce the Department's ability to provide a remedy for its 1998 waste acceptance obligations, which are currently in litigation.

Power Marketing Administration

The Administration is disappointed that the Committee has not accepted the Administration's proposal to revise the financing of the Power Marketing Administration's Purchase Power and Wheeling programs. The Administration would like to continue to work with the Senate to restructure the funding mechanism for these programs.

Stockpile Stewardship

The Administration believes it is premature for the bill to include provisions for a realignment of the facilities and missions of the Department's National Laboratories and facilities in support of the Stockpile Stewardship program. The Department has begun initial studies of possible realignments and will work with Congress as soon as the Administration has completed its analysis. No major action can be taken to implement such a plan until appropriate studies are completed, including revisions to the Programmatic Environmental Impact Statement on Stockpile Stewardship and Management.

Army Corps of Engineers

The Administration strongly objects to a provision in the Regulatory Program appropriation that would short-circuit the review process for wetlands jurisdictional determinations by making the review of these initial decisions appealable to the Federal courts prior to a final permit decision. Although the Administration supports the creation of an administrative review process for these determinations, the bill would generate unnecessary and premature litigation, set back efforts to ensure a fair and amicable resolution of potential disputes, and undermine the ability of citizens and communities to participate on an equal footing in the permit process.

The Administration is concerned that the \$145 million reduction to the President's request (not including rescissions) for the Army Corps of Engineers would result in significant delays for certain critical construction projects. Of particular concern are reductions from the request to the Columbia River Fish Mitigation project, from \$100 million to \$70 million; the Everglades (FL) project, from \$110 million to \$92 million; and, the Kill Van Kull and Newark Bay Channel (NY, NJ) project, from \$60 million to \$40 million. In addition, the Administration opposes the bill's prohibitions against studying drawdown of John Day and McNary dams. These prohibitions could hamper the objective analysis necessary to formulate Columbia and Snake River salmon recovery plans.

We also urge Congress to enact the Administration's Harbor Services Fund proposal, which would provide a stable source of funding for port and harbor activities and free up funds for priority projects and programs. If the Administration's Harbor Services Fund proposal is not adopted, then we urge Congress to fund port and harbor operation and maintenance activities from the existing Harbor Maintenance Trust Fund with the user revenues collected specifically for that purpose, rather than from the general fund as proposed by the Committee.

Bureau of Reclamation

The Committee proposal to reduce the Bureau of Reclamation budget by \$95 million, or 11 percent, would significantly affect the Bureau's ability to continue to operate its water supply projects throughout the West while complying with relevant Federal laws. The Administration urges the Senate to restore these funds.

In particular, we urge the Senate to fully fund the \$95 million request for the CALFED Bay-Delta program. The Committee's \$45 million reduction and accompanying funding restrictions would delay Federal and State efforts to restore this important ecosystem.

In addition, we urge the Senate to enact the Administration's proposal to convert the Central Valley Project Restoration Fund from a current discretionary to a permanent account. This will allow the Bureau of Reclamation to operate the program efficiently and ensure that all the authorized collections from project beneficiaries are used to mitigate project impacts, as intended by the Central Valley Project Improvement Act.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Waldman (CN=Michael Waldman/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUN-1999 15:28:02.00

SUBJECT: fyi

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Draft 6/11/99 2:45pm

Michael Waldman

PRESIDENT WILLIAM J. CLINTON

"PUTTING A HUMAN FACE ON THE GLOBAL ECONOMY"

ADDRESS TO THE GRADUATES

UNIVERSITY OF CHICAGO

CHICAGO, ILLINOIS

June 12, 1999

It is an honor to join you at this great university, in the heart of our nation, at the height of our strength and prosperity in the world.

To the graduates: You have spent four tough but rewarding years in this crucible of intellectual ferment and you will carry the discipline and insight you have gained wherever you go and whatever you do. The debate on this campus in recent weeks about the undergraduate program merely underscores the value you place on free, serious, disciplined thought and your faith that ideas, pursued without regard to convenience or convention, will lead us ever upward.

You have learned the most important lessons of all: to see clearly and think originally, to navigate the swiftly flowing currents of new information without losing hold of the traditions and values of a civilized society. Your depth and discipline of mind have made you ready, as few others are, to be leaders in the new global community now taking shape.

[You will be called upon to be leaders in a world that still needs American leadership.

Our success in Kosovo was a victory for the principles of equality and liberty that our nation reveres. It was a victory for the vision of a world in which no people is persecuted because of their ethnicity or religious faith. And it was a victory for a the tide of democracy that continues to rise across the globe.

Now we must consolidate that victory and build the peace. Today, Serb forces continue their rapid withdrawal from Kosovo. American and allied forces are coming together, preparing to enter and begin the work of building peace. And the Kosovar civilians will soon return home, to live with their neighbors in safety and self-government. The whole of Europe has the chance to emerge from its bloodiest century undivided, democratic

and at peace for the first time in history. With our allies and partners, including Russia, we can make this happen for the new century.

This was a test for American leadership □) a new kind of challenge, in a world still torn by ancient hatreds.] [this section will need to be updated, and cleared by the NSC]

And you will be called upon to help fashion American leadership in many ways.

With diplomas in hand, you enter a new economy, in a new world □) an economy in which wealth derives not only from the ore in the ground or the might of our factories but from the power of our minds □) in which flexibility and teamwork are the watchword of success □) in which nations are linked through luminous ties of commerce and communications. It is a world in which a half million airline passengers, [100 million] e-mails messages, and \$1.5 trillion dollars cross national borders every single day. A world transformed: digital, democratic, interactive, a world in which every individual will have the power to publish, to communicate, to learn through a lifetime.

You leave here, ready to prosper in this new world. But you must also prepare to take your place as full citizens of this nation. Today I speak of the extraordinary opportunities that await you □) and the profound responsibilities that come with them.

The qualities prized by the new economy are at the core of the American character. That is no accident. America fought to create this new economy. America leads it. America prospers in it. Today our economy is the strongest in our nation's history.

But the very economic forces that make this a time of hope also carry the portent of instability, risk, and division □) here at home, and around the world.

The very speed with which capital surges into promising markets enables it to rush outward just as quickly □) often in a panic, often because of crowd psychology, often because of an unrelated event half a world away.

The very intensity of competition □) the very pace with which new products, new companies, even new industries, can rise and fall □) creates deep new insecurity in a time of plenty.

The very velocity of technological change and openness to the world that has helped us create tens of millions of new jobs exposes other jobs to sudden risk.

We revere the vision of free markets and free societies that undergirds this new economy. Well before it was conventional wisdom everywhere, here on this campus you proclaimed that freedom is indivisible □) that free economies would lead to free societies. We are proud that American leadership has helped spread this vision across the globe. But just as your scholars taught the world about the power and logic of the market, they have taught us as well about the enduring importance of strong social norms □) the vital institutions and values, rooted in families and communities and religious institutions, that give meaning to our lives. You are teaching us that effective laws and mutual responsibility are not opposed to thriving markets □) they are the basis of thriving markets.

Here, then, is the challenge you face, and all Americans face: Whether we will seize the full potential of this new time, or simply let its often uncontrollable forces overwhelm us.

A century ago, the emerging Industrial Age offered brilliant prospects but posed brutal new challenges to our traditional notions of opportunity and individual liberty. Through the Progressive Era and the New Deal, Americans with led by the faculty and graduates of this university struggled to seize the potential of industrialization. Through the hard experience of depression and war, we determined that a national economy demanded decisive action from a strong national government to keep markets honest and free, to temper the cycles of boom and bust, to stretch a safety net beneath our families, to give workers the right to organize and a stake in our bounty. The farsighted generations of a half-century ago built a platform for prosperity on which we stand to this day.

Now, our task is nothing less than this: to find a way to advance these same values and protect these same interests in the international economy. President Lincoln told us, "As our case is new, we must think anew. We must disenthrall ourselves." I say to you today: We can neither resist economic change nor simply tell our people to fend for themselves. We must find a third way. We must build a global economy with a human face.

In this cause, we face three great challenges.

The first challenge is to forge a trading system that honors our values.

Make no mistake: open trade dramatically benefits the United States. Our cutting edge industries, from software to aerospace to biotech to movies, lead the world. Our surging exports create millions of new jobs. We benefit from imports as well: they drive competition, force our firms to innovate, help us grow with practically no inflation. We cannot bask in our prosperity while belittling the free trade that helped create it.

But we must acknowledge the reality that free trade can bring disruption and dislocation. We cannot simply tell families and communities: sorry, but economic theory says it's all for the best. We must recognize that working people in this country and every country will resist a system that they believe does not take their interests into account. That is not only a political dilemma, but an economic dilemma as well.

I believe we must forge a new consensus for trade. One that recognizes the urgent need to continue opening markets. And one that recognizes that we cannot simply ignore the concerns of working people, here or elsewhere.

I believe that the answer is to lift the lives of people everywhere that increasingly, our prosperity depends upon the prosperity of others; that the greatest hope for the American middle class is the creation of a global middle class. A strong economy in a foreign land is not a threat to American jobs; it is a market for American products; it is an economy that will pay its own workers higher wages; it is an economy that will respect the environment.

I believe that those who support free trade have an equal duty to support funding for education, for job training, so that all our people

can reap the rewards of economic change.

I believe that labor and environmental concerns cannot be shunted to the sidelines of trade policy. As ties of trade grow tighter, trade talks have gone beyond traditional issues of tariffs and quotas. I continue to ask Congress for the authority to negotiate new trade agreements to open foreign markets to our goods and services. Presidents have used trade talks to protect interests from intellectual property rights to food safety; Congress should give me the ability to use trade talks, when effective and appropriate, to protect the environment and the rights of workers and the dignity of work as well.

But the effort to honor our values extends well beyond trade agreements among nations.

I believe that we can lift the lives of working people by seeking high labor standards everywhere in the world. Next week I will go to Geneva to meet with the international body that is promoting these universal rights. We should say clearly: There is no economy on earth so in need of a competitive advantage that it cannot guarantee the right to organize, the right to a minimum wage, an end to forced labor.

I believe that forced child labor is an abomination, anywhere and everywhere. Yet in too many communities around the world, tens of millions of children work in conditions that shock the conscience. Last year we increased by tenfold our effort to stop child labor worldwide. Today we go further: With my authority as President, today I am directing the federal government to stop buying products made with forced child labor. Taxpayer dollars should not be used to purchase a single shirt, or brick, or foot of carpet that is the bitter fruit of forced child labor and from now on, government contractors will have to certify that this is so. Next week, I [will sign] an agreement banning coercive child labor everywhere in the world and when I return to the United States, I will ask the Congress to ratify it. In the first days of the 20th Century, we moved to end forced child labor here in America. In the first days of the 21st Century, we can move to end forced child labor everywhere in the world.

As we work to seize the possibilities of the international economy, our second great challenge is this: We must build a financial system that tames the savage cycles of boom and bust, just as we did here in America.

Over the past year and half, we saw the worst financial crisis in half a century. Due to strong efforts led by the United States, the world has pulled back from the brink. But this near miss should not lull us into complacency.

Even today, the free flow of capital is the surest route to prosperity for the greatest number. Even today, after all the economic shocks, citizens of Korea or Thailand are far better off than they were a decade ago. But the world has shown itself too prone to speculation and crowd psychology, as impatient capital first rushes in and then just as suddenly rushes out of emerging markets.

A global economy prone to bouts of euphoria and collapse cannot be sustained. A half a century ago, after the devastation of World War II, we created the International Monetary Fund and the World Bank to stabilize markets and spur growth. Now, at a time of 24 hour markets stretching across 26 time zones, we need a financial architecture as modern as the

markets it serves. We have been working over past year to begin to write new rules. Our watchwords must be openness and honest accounting; strong regulation of financial institutions and the flow of capital. And we must ensure that all countries, creditor nations and debtor nations, are part of the dialogue.

Our third great challenge is both humanitarian and economic: to spread the benefits of global growth as widely as possible.

In our nation, we have learned that growth that is broadly shared is better sustained. We determined that sustaining a strong middle class □) with its mass purchasing power □) was not just morally right, but economically necessary.

The global community cannot survive as a tale of two cities, one modern and integrated, a cellphone in every hand and a McDonalds on every corner, the other mired in poverty and increasingly resentful of the world passing it by.

The answer is to widen the circle of prosperity. Even the poorest nations would benefit more from expanded trade and reduced tariffs than from foreign assistance alone. [from Australian Trade study] But we must recognize that crushing debt keeps dozens of nations and millions of people from joining the economic mainstream. As the millennium approaches, with a rising awareness of the moral obligations of leadership, we must take steps to help lift the debt burden of the poorest countries. Beginning in 1996, America led a comprehensive effort to lift that burden. Today, Treasury Secretary Rubin meets with his counterparts from the other leading economies. We are now close to forging an agreement to take a bold new step □) to more than triple debt relief for the world's poorest nations, and to target those savings to education, health, child survival fighting poverty. We must act prudently -- to ensure that savings are well used, to ensure that countries can attract investment, to ensure that countries that perform best are helped most □) but we must act. I pledge personally to work to find the resources to do our part and contribute to an expanded trust fund for debt relief.

A trading system that honors our values. A financial system that is stable and strong. A new effort to widen the circle of prosperity. This is an expansive vision and an ambitious agenda. It will not be completed this year or the next. Like the Cold War of this century, it will test the skills and challenge the imaginations of leaders for generations to come. But we can do what could never have been imagined by previous generations. If we act, wisely and boldly, we can lift billions of people into a global middle class. A rising tide of global prosperity can make it possible to cure disease, to avoid war, to end hatreds.

As the wealthiest and strongest nation, America has a responsibility to shape that world. That responsibility is your responsibility. As the most promising members of the rising generation, your skills, your creativity, your knowledge, will be your tools. But more important by far is the spirit with which you greet this endeavor. Idealism is not a phase, left behind at the college gates. It is a way of life. If you carry with you the dreams and drive that took you here, and that make your parents so proud, you will fulfill the finest traditions of this university and this nation.

For today, be proud of what you have done. Congratulations, and good luck.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1999 15:45:58.00

SUBJECT: Team Leaders Mtg

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

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

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

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

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

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

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

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

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

TEXT:

We will be having the DPC Team Leaders Meeting on Monday, June 14, at 9:30 a.m.

June 11, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

SUBJECT: DPC Weekly Report

1. Guns -- Crime Gun Report on Youths Age 18-20: At a Monday event with the U.S. Conference of Mayors, the Vice President will release a joint Treasury-Justice Department report on gun crime in the age group of 18-20. This age group leads all others in using guns in homicides and non-lethal crimes, including assault, rape, and robbery. Among the key findings of the report are:

- (1) Eighteen, nineteen and twenty year-olds ranked first, second, and third in the number of gun homicides committed in 1997. Youths in this age group committed 23.5 percent of all gun homicides nationwide.
- (2) For non-lethal violent crimes, 18 to 20 year-old offenders were more likely to use a firearm than offenders in the other age groups.
- (3) Of crime guns recovered and traced by law enforcement officials in 27 cities, more crime guns were possessed by 19 year-olds than any other age. Crime guns possessed by 18 year-olds ranked second.
- (4) Crime guns recovered by law enforcement from 18 to 20 year-olds are mostly handguns, especially semiautomatic pistols.

The report confirms that the high rate of crime in the 18-20 age group is linked to excessively easy access to firearms. To address this, your gun legislation contains provisions to ban handgun, assault rifle, and large capacity clip possession and transfer to youths under age 21, and measures to crack down on illegal gun trafficking and straw purchasers by toughening penalties on gun traffickers and limiting handgun sales to one per month.

2. Guns -- Brady Report: Early next week, the Justice Department will release a Bureau of Justice Statistics (BJS) report showing that under interim Brady (3/94-11/98), Brady background checks stopped over 312,000 prohibited purchasers from buying handguns. Of this total, two-thirds (207,000) of the individuals were barred for felony convictions or indictments. In addition, since the National Instant Criminal Background Check System (NICS) took effect in

late 11/98, the FBI has blocked another 45,400 gun sales (both long guns and handguns) of the 2.21 million background checks it conducted. While we do not have the total number of gun sales rejected by states that run their own background check systems, BJS reports that states conducted roughly the same number of checks as the FBI (2.22 million). States generally have slightly higher rejection rates than the FBI. We expect to announce the updated Brady number closely timed with the House vote on gun and juvenile crime legislation set for next Tuesday.

3. Crime -- COPS: On Thursday, the Senate Commerce, Justice, State appropriations full committee voted out a bill which would zero out the COPS Program. The Senate bill funds the Administration's request of \$350 million for law enforcement technology included in our COPS initiative, but would transfer the funds to Office of Justice Programs and shut down the COPS office entirely. Administration officials will continue to amplify our opposition to the elimination of the COPS program during this weekend's meeting at the U.S. Conference of Mayors. As you know, the Mayors have been strong backers of the program and support its extension and our 21st Century Policing Initiative. The House appropriations committee has not yet acted on Commerce, Justice, State bill.

4. Welfare – Two Parent Participation: As you may recall, in late December we announced that all states met the 25 percent participation rates required for all families in TANF's first year, FY 1997; however, about half of the 39 states who were required to report for this early period did not make the tougher 75 percent work rate required for two parent families. HHS has now sent letters to states advising them of the amount of the penalty and giving them the option to accept the penalty, submit a plan showing how they will achieve the 1997 target by a future date, or file an appeal. For most states except California, the penalties, if imposed, will be very small (ranging from \$224 in Alabama to \$223,000 in Washington) because the amount of the penalty is adjusted for the share of the state's caseload consisting of two-parents and for the amount by which the state missed the participation rate target. The penalty for California could be \$4.5 million – a large amount, but still less than one percent of the state's 1997 TANF grant -- because the state has a high proportion of two-parent cases and missed the target by a large amount. While a few states are accepting minimal penalties, most are submitting corrective action plans outlining how they will revise their programs to come into compliance. We expect to have participation rates for FY 1998 later this summer.

5. Welfare – Civil Rights Guidance: We and the counsel's office are currently reviewing the final version of civil rights guidance to be sent to state welfare agencies and other interested parties. This guidance -- intended for use by welfare caseworkers and other staff -- explains the civil rights laws that apply to federally funded programs and to the workplace, using clear language and numerous practical examples. As you may recall, civil rights laws apply to TANF programs as they do to any other federally assisted programs, and they apply to employees on TANF just as they do to any other employees. This guidance, prepared by HHS with assistance from the Departments of Justice, Labor, Education, and Agriculture, will be distributed shortly.

6. Education – Desegregation in Louisiana: The Justice Department's Civil Rights Division is involved in negotiations over proposed expansions of predominantly Africa-American charter schools in East Baton Rouge, Louisiana. East Baton Rouge is a 56,000 student school district under a longstanding desegregation case, and two thirds of the district's students are African-American. Last week, the East Baton Rouge School District asked the Justice Department to sign on to a joint motion requesting the Court to approve expansions at each school -- currently enrolling just under 100 students each -- by one additional grade next year. The Justice Department has previously expressed concerns about the impact of the proposed expansions on efforts to desegregate other schools in the district and on the district's ability to comply with the desegregation decree, but has made clear that they are open to supporting the expansions if they receive information from the school district that addresses their concerns. The information requested by the Justice Department --which has not yet been supplied -- includes information on the projected racial composition of the schools' student population, the impact of the schools on the racial composition of other schools from which students are drawn, assurances that the location and size of the schools will not be changed without Court approval, and a determination by the school board that the expansions will not impede the ability of the district to comply with the consent decree. While the Justice Department is open to supporting the expansions, their specific concerns appear to be that that the charter school expansions might 1) draw minority students from predominantly white schools (or perhaps white students from predominantly minority schools), thereby causing a few schools that are now marginally desegregated to become one-race schools, or 2) take away funding from the school district that would impede its ability to make the improvements in one-race schools that are required under the consent decree (e.g., wiring schools, fixing the school building). Amidst rumors in East Baton Rouge that the Justice Department is going to oppose the expansions, Clint Bolick and the Institute of Justice may be preparing to file a lawsuit on behalf of the two charter schools. Meanwhile, a private foundation may also step in to support the new grades at these schools as private schools, given concerns that their expansion as public schools may not be approved.

Bill Lee is recused from the case because of his prior involvement with the NAACP legal defense fund, which is also a party to the consent decree. But after Clint Bolick wrote a Wall Street Journal editorial suggesting that Bill Lee not be confirmed because of this and other charter school cases, Senator Landrieux requested and received briefings on this case from the Justice Department. This week, Education Department Assistant Secretary Norma Cantu was asked by a House Oversight committee to testify on charter schools and desegregation at a June 22 hearing that will also deal with high-stakes testing issues.

7. Education – Troops to Teachers: The Defense authorization bill passed by the Senate includes a provision that would continue the Troops to Teachers program, however the provision differs from your ESEA proposal in a few important ways. Most importantly, the Defense bill does not include the “transition to teaching” provisions, which would allow the

Troops to Teachers model to be expanded to other mid-career professionals interested in teaching high-need subjects in high-poverty schools. A SAP noting our objections, and suggest modifications to address them, is currently being drafted for Defense conferees.

In addition, next week Congressmen Roemer and Davis will be introducing a Troops to Teachers bill which is essentially the same as the provision in your ESEA proposal.

8. Education – School Uniforms: You requested an update on the number of school districts adopting school uniform policies. The Department of Education has not collected new data on this practice since July 1998. At that time, you announced that the Department of Education estimated that 3% of all public schools had mandatory school uniform policies -- including New York City, Dade County (Miami), San Antonio, Houston, Chicago, Boston and Albuquerque. Since the Department's last report, the adoption of school uniforms has been proposed statewide in Massachusetts, and all principals in DC public schools are considering adopting a mandatory school uniform policy. Education is currently updating this data and will have a new report on the pace of adoption of school uniform policies by XX date.

9. Education -- Republican Teacher Empowerment Act/Class Size: Republicans have introduced a teacher quality bill (McKeon) that has some similarities to your Title II (teacher quality) proposal of ESEA, particularly a focus on sustained, high-quality professional development and an effort to improve alternative routes to teacher certification. However, the bill's attempt to address class size reduction is problematic. The McKeon bill does not provide a separate funding stream for class size reduction, does not target the reduction toward the early grades, and would allow districts to opt out of class size reduction activities for a multitude of reasons (e.g., lack of facilities or qualified teachers) and use the funds for other purposes. The bill's language also appears to preclude federal funding for the National Board for Teacher Certification. The current expectation is that the bill will be marked up in committee before the end of the month. On Friday, Education staff will meet with Congressional staff (Goodling, McKeon, Clay, Martinez) to try and work out differences on the bill. Education staff will stress that in order for us to support this bill, it must include continuation of the bipartisan class size program and support for the national board for teacher certification.

10. Education – Social Promotion in Los Angeles: On Monday, officials of the L.A. Unified School District unveiled their plan to end social promotion and launch intervention programs for 139,000 students in danger of being held back in June 2000. The \$71 million initiative will use results of the Stanford 9 and teacher's assessments to identify and enroll tens of thousands of students in voluntary summer school, after school and weekend classes. Generally, all students in grades 2,3,4,5, and 8 (with appropriate exceptions for LEP and disabled students) will be expected to meet minimum standards in reading, language arts and math. Community response has been extremely positive, with parents overwhelmingly in favor of the effort, and 7,000 teachers applying to provide the special instruction.

11. BBA Provider Update – Experts Testify in front of Finance Committee: On Thursday, the three Medicare policy payment advisors to the Congress (CBO, GAO, and the Medicare Payment Advisory Commission) testified before the Senate Finance Committee on their views about the validity of health care provider complaints about the Balanced Budget Act of 1997. Notably, all three concluded that there was insufficient evidence that the BBA had caused significant access and quality problems and that moves to repeal or moderate the law would be premature. While acknowledging the Medicare baseline had declined significantly, they uniformly attributed the vast majority of that decline to success in curbing fraud and abuse, a better than expected economy with lower inflation, and some payment cycle issues that were short term in nature. The one exception appeared to be concerns about the physical therapy cap policy (which we opposed) that Chairman Thomas (R-CA) had inserted in the legislation at the end of the conference. This testimony will somewhat reduce the pressure to put significant BBA giveback provisions in your Medicare reform initiative. However, recognizing the serious concerns that are continuing to be raised by providers, we still are reviewing options that will send signals to this community that we want to work with them to moderate any excessive burdens on their ability to provide affordable, accessible, quality care to Medicare beneficiaries.

12. Update on Privacy Legislation: Next Tuesday, Senate Labor Committee Chair Jeffords is scheduled to hold a markup on the privacy legislation. While there are a number of issues that remain unresolved, the two major provisions that continue to be the major barrier to progress are the enforcement mechanism and protection provisions for minors. As has been the case in many health care bills this year, the issue that frequently stands in the way of bipartisan consensus is that related to enforcement and the ability to obtain remedies for those harmed by violators of the legislation. The current language raises the privacy act standard to willful and intentional rather than willful or intentional; moreover, it appears that the Republicans are pressuring Senator Jeffords to eliminate punitive awards and limit non-economic awards to \$50,000. These provisions clearly weaken privacy protections and would be viewed by all the Democrats to be unacceptable. The minors' issue has been raised by both the pro-choice and pro-life communities because they have concerns about how this provision will impact on teenagers' ability to access abortion services without parental consent. Both sides claim they want to maintain the status quo, but neither believes the current language achieves that end. Senator Jeffords is attempting to work out a compromise between the women's groups and the Catholic Health Association; if he does before Tuesday, it appears likely that he will mark-up the legislation and see if he can get further compromises on enforcement at the mark-up and at later stages in the process. We are currently reviewing compromise positions on the enforcement issue to prepare for the eventual negotiations that we must have with the Republican leadership on this issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-JUN-1999 12:15:59.00

SUBJECT: Slight technical edits -- in bold

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

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

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

CC: Courtney O. Gregoire (CN=Courtney O. Gregoire/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:
June 11, 1999

Dear [Brady Bill Supporter]:

Six years ago, you showed extraordinary political courage by standing up to the gun lobby and voting for the Brady bill. That law has helped to make America a safer place.

Next week, you will have the opportunity to vote on one of the most important pieces of gun legislation since the Brady bill. I urge you to stand up to the gun lobby once again, and support common sense measures to close the gun show and other loopholes.

Opponents of meaningful gun legislation are still making the same false arguments you heard six years ago, that criminals don't buy guns from gun dealers or at gun shows, and that any new gun law is just a plot to take away gun owners' rights.

Of course, all Americans now know the truth: since 1993, the Brady Law has blocked well over a quarter of a million illegal handgun sales to felons, fugitives, stalker, and other prohibited persons -- and no law-abiding citizen has been stopped from buying a gun for sport or self-protection. In fact, the Brady Law has proven to be one of the most effective law enforcement tools ever.

Under pressure from the gun lobby, some in the House have proposed gun show legislation that is riddled with new and dangerous loopholes similar to those that were defeated in the Senate. I urge you to reject

that approach, and support the common sense measures enacted by the Senate.

Your vote on these important details can make the difference in whether or not we close the gun show loophole once and for all. For instance, if the current House proposal to put a 72-hour time limit on background checks at gun shows applied to the FBI's National Instant Check System (NICS), the Justice Department estimates that 22 percent of the fugitives and felons that have been denied guns -- or more than 9,300 over the past 6 months -- would have them today. But that is not all. The House bill would also allow hundreds of guns to be sold at flea markets without any background check, and it would prevent law enforcement from tracing many of guns that are sold at gun shows and later used in crimes.

As a supporter of the Brady bill, you have a record of putting the interests of the American people over the clout of the gun lobby. In the that same spirit, I ask you again to vote your convictions -- and vote once again to keep guns out of the wrong hands.

June 11, 1999

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed
Elena Kagan

SUBJECT: DPC Weekly Report

1. Guns -- Crime Gun Report on Youths Age 18-20: At a Monday event with the U.S. Conference of Mayors, the Vice President will release a joint Treasury-Justice Department report on gun crime in the age group of 18-20. This age group leads all others in using guns in homicides and non-lethal crimes, including assault, rape, and robbery. Among the key findings of the report are:

- (1) Eighteen, nineteen and twenty year-olds ranked first, second, and third in the number of gun homicides committed in 1997. Youths in this age group committed 23.5 percent of all gun homicides nationwide.
- (2) For non-lethal violent crimes, 18 to 20 year-old offenders were more likely to use a firearm than offenders in the other age groups.
- (3) Of crime guns recovered and traced by law enforcement officials in 27 cities, more crime guns were possessed by 19 year-olds than any other age. Crime guns possessed by 18 year-olds ranked second.
- (4) Crime guns recovered by law enforcement from 18 to 20 year-olds are mostly handguns, especially semiautomatic pistols.

The report confirms that the high rate of crime in the 18-20 age group is linked to excessively easy access to firearms. To address this, your gun legislation contains provisions to ban handgun, assault rifle, and large capacity clip possession and transfer to youths under age 21, and measures to crack down on illegal gun trafficking and straw purchasers by toughening penalties on gun traffickers and limiting handgun sales to one per month.

2. Guns -- Brady Report: Early next week, the Justice Department will release a Bureau of Justice Statistics (BJS) report showing that under interim Brady (3/94-11/98), Brady background checks stopped over 312,000 prohibited purchasers from buying handguns. Of this total, two-thirds (207,000) of the individuals were barred for felony convictions or indictments. In addition, since the National Instant Criminal Background Check System (NICS) took effect in

late 11/98, the FBI has blocked another 45,400 gun sales (both long guns and handguns) of the 2.21 million background checks it conducted. While we do not have the total number of gun sales rejected by states that run their own background check systems, BJS reports that states conducted roughly the same number of checks as the FBI (2.22 million). States generally have slightly higher rejection rates than the FBI. We expect to announce the updated Brady number closely timed with the House vote on gun and juvenile crime legislation set for next Tuesday.

3. Crime -- COPS: On Thursday, the Senate Commerce, Justice, State appropriations full committee voted out a bill which would zero out the COPS Program. The Senate bill funds the Administration's request of \$350 million for law enforcement technology included in our COPS initiative, but would transfer the funds to Office of Justice Programs and shut down the COPS office entirely. Administration officials will continue to amplify our opposition to the elimination of the COPS program during this weekend's meeting at the U.S. Conference of Mayors. As you know, the Mayors have been strong backers of the program and support its extension and our 21st Century Policing Initiative. The House appropriations committee has not yet acted on Commerce, Justice, State bill.

4. Welfare -- Two Parent Participation: As you may recall, in late December we announced that all states met the 25 percent participation rates required for all families in TANF's first year, FY 1997; however, about half of the 39 states who were required to report for this early period did not make the tougher 75 percent work rate required for two parent families. HHS has now sent letters to states advising them of the amount of the penalty and giving them the option to accept the penalty, submit a plan showing how they will achieve the 1997 target by a future date, or file an appeal. For most states except California, the penalties, if imposed, will be very small (ranging from \$224 in Alabama to \$223,000 in Washington) because the amount of the penalty is adjusted for the share of the state's caseload consisting of two-parents and for the amount by which the state missed the participation rate target. The penalty for California could be \$4.5 million -- a large amount, but still less than one percent of the state's 1997 TANF grant -- because the state has a high proportion of two-parent cases and missed the target by a large amount. While a few states are accepting minimal penalties, most are submitting corrective action plans outlining how they will revise their programs to come into compliance. We expect to have participation rates for FY 1998 later this summer.

5. Welfare -- Civil Rights Guidance: We and the counsel's office are currently reviewing the final version of civil rights guidance to be sent to state welfare agencies and other interested parties. This guidance -- intended for use by welfare caseworkers and other staff -- explains the civil rights laws that apply to federally funded programs and to the workplace, using clear language and numerous practical examples. As you may recall, civil rights laws apply to TANF programs as they do to any other federally assisted programs, and they apply to employees on TANF just as they do to any other employees. This guidance, prepared by HHS with assistance from the Departments of Justice, Labor, Education, and Agriculture, will be distributed shortly.

6. Education – Desegregation in Louisiana: The Justice Department's Civil Rights Division is involved in negotiations over proposed expansions of predominantly Africa-American charter schools in East Baton Rouge, Louisiana. East Baton Rouge is a 56,000 student school district under a longstanding desegregation case, and two thirds of the district's students are African-American. Last week, the East Baton Rouge School District asked the Justice Department to sign on to a joint motion requesting the Court to approve expansions at each school -- currently enrolling just under 100 students each -- by one additional grade next year. The Justice Department has previously expressed concerns about the impact of the proposed expansions on efforts to desegregate other schools in the district and on the district's ability to comply with the desegregation decree, but has made clear that they are open to supporting the expansions if they receive information from the school district that addresses their concerns. The information requested by the Justice Department --which has not yet been supplied -- includes information on the projected racial composition of the schools' student population, the impact of the schools on the racial composition of other schools from which students are drawn, assurances that the location and size of the schools will not be changed without Court approval, and a determination by the school board that the expansions will not impede the ability of the district to comply with the consent decree. While the Justice Department is open to supporting the expansions, their specific concerns appear to be that that the charter school expansions might 1) draw minority students from predominantly white schools (or perhaps white students from predominantly minority schools), thereby causing a few schools that are now marginally desegregated to become one-race schools, or 2) take away funding from the school district that would impede its ability to make the improvements in one-race schools that are required under the consent decree (e.g., wiring schools, fixing the school building). Amidst rumors in East Baton Rouge that the Justice Department is going to oppose the expansions, Clint Bolick and the Institute of Justice may be preparing to file a lawsuit on behalf of the two charter schools. Meanwhile, a private foundation may also step in to support the new grades at these schools as private schools, given concerns that their expansion as public schools may not be approved.

Bill Lee is recused from the case because of his prior involvement with the NAACP legal defense fund, which is also a party to the consent decree. But after Clint Bolick wrote a Wall Street Journal editorial suggesting that Bill Lee not be confirmed because of this and other charter school cases, Senator Landrieux requested and received briefings on this case from the Justice Department. This week, Education Department Assistant Secretary Norma Cantu was asked by a House Oversight committee to testify on charter schools and desegregation at a June 22 hearing that will also deal with high-stakes testing issues.

7. Education – Troops to Teachers: The Defense authorization bill passed by the Sénate includes a provision that would continue the Troops to Teachers program, however the provision differs from your ESEA proposal in a few important ways. Most importantly, the Defense bill does not include the “transition to teaching” provisions, which would allow the

Troops to Teachers model to be expanded to other mid-career professionals interested in teaching high-need subjects in high-poverty schools. A SAP noting our objections, and suggest modifications to address them, is currently being drafted for Defense conferees.

In addition, next week Congressmen Roemer and Davis will be introducing a Troops to Teachers bill which is essentially the same as the provision in your ESEA proposal.

8. Education – School Uniforms: You requested an update on the number of school districts adopting school uniform policies. The Department of Education has not collected new data on this practice since July 1998. At that time, you announced that the Department of Education estimated that 3% of all public schools had mandatory school uniform policies -- including New York City, Dade County (Miami), San Antonio, Houston, Chicago, Boston and Albuquerque. Since the Department's last report, the adoption of school uniforms has been proposed statewide in Massachusetts, and all principals in DC public schools are considering adopting a mandatory school uniform policy. Education is currently updating this data and will have a new report on the pace of adoption of school uniform policies by XX date.

9. Education -- Republican Teacher Empowerment Act/Class Size: Republicans have introduced a teacher quality bill (McKeon) that has some similarities to your Title II (teacher quality) proposal of ESEA, particularly a focus on sustained, high-quality professional development and an effort to improve alternative routes to teacher certification. However, the bill's attempt to address class size reduction is problematic. The McKeon bill does not provide a separate funding stream for class size reduction, does not target the reduction toward the early grades, and would allow districts to opt out of class size reduction activities for a multitude of reasons (e.g., lack of facilities or qualified teachers) and use the funds for other purposes. The bill's language also appears to preclude federal funding for the National Board for Teacher Certification. The current expectation is that the bill will be marked up in committee before the end of the month. On Friday, Education staff will meet with Congressional staff (Goodling, McKeon, Clay, Martinez) to try and work out differences on the bill. Education staff will stress that in order for us to support this bill, it must include continuation of the bipartisan class size program and support for the national board for teacher certification.

10. Education – Social Promotion in Los Angeles: On Monday, officials of the L.A. Unified School District unveiled their plan to end social promotion and launch intervention programs for 139,000 students in danger of being held back in June 2000. The \$71 million initiative will use results of the Stanford 9 and teacher's assessments to identify and enroll tens of thousands of students in voluntary summer school, after school and weekend classes. Generally, all students in grades 2,3,4,5, and 8 (with appropriate exceptions for LEP and disabled students) will be expected to meet minimum standards in reading, language arts and math. Community response has been extremely positive, with parents overwhelmingly in favor of the effort, and 7,000 teachers applying to provide the special instruction.

11. BBA Provider Update – Experts Testify in front of Finance Committee: On Thursday, the three Medicare policy payment advisors to the Congress (CBO, GAO, and the Medicare Payment Advisory Commission) testified before the Senate Finance Committee on their views about the validity of health care provider complaints about the Balanced Budget Act of 1997. Notably, all three concluded that there was insufficient evidence that the BBA had caused significant access and quality problems and that moves to repeal or moderate the law would be premature. While acknowledging the Medicare baseline had declined significantly, they uniformly attributed the vast majority of that decline to success in curbing fraud and abuse, a better than expected economy with lower inflation, and some payment cycle issues that were short term in nature. The one exception appeared to be concerns about the physical therapy cap policy (which we opposed) that Chairman Thomas (R-CA) had inserted in the legislation at the end of the conference. This testimony will somewhat reduce the pressure to put significant BBA giveback provisions in your Medicare reform initiative. However, recognizing the serious concerns that are continuing to be raised by providers, we still are reviewing options that will send signals to this community that we want to work with them to moderate any excessive burdens on their ability to provide affordable, accessible, quality care to Medicare beneficiaries.

12. Update on Privacy Legislation: Next Tuesday, Senate Labor Committee Chair Jeffords is scheduled to hold a markup on the privacy legislation. While there are a number of issues that remain unresolved, the two major provisions that continue to be the major barrier to progress are the enforcement mechanism and protection provisions for minors. As has been the case in many health care bills this year, the issue that frequently stands in the way of bipartisan consensus is that related to enforcement and the ability to obtain remedies for those harmed by violators of the legislation. The current language raises the privacy act standard to willful and intentional rather than willful or intentional; moreover, it appears that the Republicans are pressuring Senator Jeffords to eliminate punitive awards and limit non-economic awards to \$50,000. These provisions clearly weaken privacy protections and would be viewed by all the Democrats to be unacceptable. The minors' issue has been raised by both the pro-choice and pro-life communities because they have concerns about how this provision will impact on teenagers' ability to access abortion services without parental consent. Both sides claim they want to maintain the status quo, but neither believes the current language achieves that end. Senator Jeffords is attempting to work out a compromise between the women's groups and the Catholic Health Association; if he does before Tuesday, it appears likely that he will mark-up the legislation and see if he can get further compromises on enforcement at the mark-up and at later stages in the process. We are currently reviewing compromise positions on the enforcement issue to prepare for the eventual negotiations that we must have with the Republican leadership on this issue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1999 14:02:42.00

SUBJECT: VA Property Disposal

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

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

TO: 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

CC: Courtney O. Gregoire (CN=Courtney O. Gregoire/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TEXT:

VA has a demonstration project that would allow them to sell 30 properties, keep 90 percent of the proceeds, and give the remaining 10 percent to the homeless. Currently, the homeless receive property, not cash, through the McKinney Act process. Both the House and Senate Veterans committees have included their own versions of this VA proposal. While the homeless groups prefer to receive property not cash, there are a few reasons why we should let this demonstration go forward. First, the Veterans Committees on the Hill are very favorable on this proposal. (In fact, both the House and the Senate have already introduced their own versions of this and we would like to replace the Hill version with the Administration version). Second, VA, unlike most other agencies, does give property to the homeless through other programs. In fact, VA has conveyed more properties to homeless groups than the entire government in the past 12 years.

HUD, while initially objecting to this proposal, has agreed to it on the condition that a more broad-based GSA proposal to reform the Property Act include the homeless groups "right of first refusal" to receive actual property. I am working to make sure that happens.

However, Reps. LaFalce, Vento, and Frank (all of the House Banking Committee) have written a letter, expressing their support for the homeless groups to maintain a "right of first refusal" to receive surplus government property. Legislative Affairs is checking whether these congresspeople would be OK to let us send up the VA demo because we will preserve the right of homeless groups to receive property in the broader proposal.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1999 12:04:04.00

SUBJECT: ED's NYT response to Thernstrom op ed going today...

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: Courtney O. Gregoire (CN=Courtney O. Gregoire/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

TEXT:

Below is a letter Education is sending in to the NYT in response to the Thernstrom op-ed about ED's draft test use guide.

ED is asking for comments ASAP to meet the publishing deadline.

Jon and I have reviewed and are suggesting that they add a sentence that would express the administration's strong support for the appropriate use of tests and other measures in a number of ways, including for high-stakes purposes.

----- Forwarded by Tanya E. Martin/OPD/EOP on 06/11/99 11:52 AM -----

Arthur_Coleman@ed.gov

06/11/99 10:11:00 AM

Record Type: Record

To: Tanya E. Martin@eop

cc:

Subject: FW: NYT response to Thernstrom op ed going today...

FYI, we're submitting this to NYT today. Call if questions. (Bridget, Mike read a longer version yesterday and liked it; we had to cut to get to NYT designated length.) Art

> -----Original Message-----

> From: Coleman, Arthur

> Sent: Friday, June 11, 1999 10:02 AM

> To: Green, Julie; Frank, David

> Cc: Murphey, Rodger; Lyon, Tom; Saunders, Kelly; Berkowitz, David;

> Fitch, Rebecca; Winnick, Steve; Craig, Susan; Kole, Adina

> Subject: NYT response

>

> Julie and David,

>

> Here is the revised letter cut to about 290 words. Julie, since we were > well under 300, I left in two segments that you can still choose to cut if

> you think advisable... [1] parenthetical in second line of third para ("and

> conclusion...) and [2] last line of third para ("The guarantee...)--both
> of which I think are imp. t.
> Hate losing the SAT para, but no way to pare it down much shorter than it
> was.
>
> It's yours...! Pls send a copy of whatever the final is so that we can
> provide to staff. Thanks for your help. Art
>
>

In her commentary, "Testing, the Easy Target," Abigail Thernstrom makes a number of erroneous conclusions regarding the U.S. Department of Education Office for Civil Rights (OCR) draft resource guide regarding test use.

Our effort is to help policymakers and educators understand the foundations for legal and educationally sound testing policies-to avoid controversy and litigation. With citations to over sixty federal court opinions and test measurement standards of the American Psychological Association, this is nothing new.

Ms. Thernstrom's equation of racial gaps in test performance with discrimination (and conclusion that tests are, therefore, "guilty until proved innocent") reflects a misreading of the draft, just as it reflects a gross misunderstanding of the settled legal principles upon which it is based. Differences in students' test scores may result from a range of factors, including, lack of preparation for or motivation to do well; poor skills or knowledge related to what is being measured; or problems with the use of the test itself. The guarantee under federal law is for equal opportunity-not equal results.

Thernstrom also accuses the U.S. Department of Education's Office for Civil Rights of seeking to ban all standardized testing. That outrageous assertion is squarely refuted by the draft, as well as by our numerous policy statements and resolutions of discrimination claims. Our guiding principle is that anti-discrimination standards give substantial deference to sound educational judgments. As a result, tests that are used in educationally appropriate ways and that are valid for the purposes used are very important instruments to help educators do their job. Our resolutions of discrimination claims recognize clearly that the solution to many such problems is not to eliminate the very tools that help provide a meaningful picture of the educational opportunities provided to students.

Arthur L. Coleman
Deputy Assistant Secretary for Civil Rights
U.S. Department of Education

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D48]ARMS26014307W.136 to ASCII,
The following is a HEX DUMP:

789F3E22070E01069008000400000000001000100010790060008000000E404000000000000E8
0001088007001800000049504D2E4D6963726F736F6674204D61696C2E4E6F7465003108010800
050004000000000000000000000000001090004000200000000000000001058003000E000000CF0706000B
000A000B002D0005002E0101208003000E000000CF0706000B000A000D00060005000901010980
010021000000354234384539374146433146443331314246334230303036324230303043313600
230701048001003400000046573A204E595420726573706F6E736520746F20546865726E737472

Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: p_v7034105_opd_html_1.tnf

Attachment Number: [ATTACH.D48]ARMS26014307W.136 to ASCII

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1999 09:47:50.00

SUBJECT: 10AM Message Meeting CANCELLED

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

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

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

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

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

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

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

TO: LEAVY_D@A1@CD@VAXGTWY@EOP (LEAVY_D@A1@CD@VAXGTWY@EOP [UNKNOWN]) (NSC)
READ:UNKNOWN

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

TO: Melissa B. Ratcliff (CN=Melissa B. Ratcliff/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

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

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

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

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

CC: Natalie S. Wozniak (CN=Natalie S. Wozniak/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

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

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

CC: Shanna P. Singh (CN=Shanna P. Singh/O=OVP@OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

CC: Mckenzie K. Davis (CN=Mckenzie K. Davis/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

CC: Erica R. Morris (CN=Erica R. Morris/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

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

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

TEXT:

Sorry for the short notice--

The message meeting originally scheduled for TODAY (6/11) at 10am in the Roosevelt Room to discuss Cabinet activity while the President is in Europe has been cancelled. Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-JUN-1999 11:53:41.00

SUBJECT: fyi...jc3

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

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

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

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

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

TEXT:

Reno Says House Weakening Gun Bill

Friday, June 11, 1999; 11:50 a.m. EDT

WASHINGTON (AP) -- Attorney General Janet Reno said today the House has ``undermined'' a Senate gun control bill designed to stop criminals from making weapons purchases at gun shows.

At a weekly meeting with reporters, Reno said the House bill narrows the definition of ``gun show'' and would cut down the time police have to complete background checks of prospective gun buyers who attend the events.

The House bill, to be taken up Wednesday, will not cover many places such as flea markets where guns are often sold.

``It doesn't matter to criminals if the event is called a gun show or a flea market -- if they can buy guns'' without a background check, ``they will come,'' Reno said.

``I was very disappointed to see that'' the House bill ``has undermined the common-sense measures passed by the Senate to close the gun show loophole,'' the attorney general said.

Under legislation passed by the Senate last month, gun shows are broadly

The Senate bill defined as events where a large number of guns are sold. extends the Brady law to gun shows, giving police three business days to complete background checks. The House bill changes the deadline for completing the checks to 72 hours, a crucial difference because gun shows usually are held on weekends. Record checks of courthouse files are impossible on weekends^u and are the only way to conclusively determine whether a person with an arrest record has been convicted of a crime.

Congressional Democrats and President Clinton complain that the National Rifle Association is writing the House's gun control bill, while Republicans dispute that.

The House is taking its turn at cracking down on juvenile violence two months after two high school students in Littleton, Colo., murdered 12 of their classmates and a teacher before killing themselves.

, Copyright 1999 The Associated Press

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-JUN-1999 11:44:10.00

SUBJECT: Re-write of proposed Brady Letter, as edited by Bruce

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

TO: Janet Murguia (CN=Janet Murguia/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: Courtney O. Gregoire (CN=Courtney O. Gregoire/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:
Esteemed Colleagues:

Here's a re-write of the Brady letter. Bruce is going to shop it w/the higher ups in the West Wing, and try and get a final decision. We may or may not do it today, but we'll let you know as soon as we get a decision.

Janet/Broderick: Are you comfortable w/your Brady supporter list? Do we need to re-check?

jc3

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D12]ARMS25821307T.136 to ASCII,
The following is a HEX DUMP:

FF57504370040000010A020100000002050000006E100000000200007E88667CCC22D98677520D
1F42FC1D3D7B8269BC76450AC987C297930A410E0DD74C13872E60A155D884E50E62A2AF52AF7D
3228B014604BE8D32A3E4300F8A3418946C7916AD9429E6871CA1DF820EE9D3C1D16CC7FF0358E
6A0FBF5DC044C56B372BF7925B810B5DBC11F35BD470A1776151A15A9B6B00B89F61E9D9B4E84
C447D12A98501BE7F2D045F0F8BAAB8A8122AE23565552253F496DBAA99E4AACD6D5D600CE11A3

June 11, 1999

Dear [Brady Bill Supporter]:

Six years ago, you showed extraordinary political courage by standing up to the gun lobby and voting for the Brady bill. That law has helped to make America a safer place.

Next week, you will have the opportunity to vote on one of the most important pieces of gun legislation since the Brady bill. I urge you to stand up to the gun lobby once again, and support common sense measures to close the gun show and other loopholes.

Opponents of meaningful gun legislation are still making the same false arguments you heard six years ago, that criminals don't buy guns from gun dealers or at gun shows, and that any new gun law is just a plot to take away gun owners' rights.

Of course, all Americans now know the truth: since 1993, the Brady Law has blocked well over a quarter of a million illegal handgun sales to felons, fugitives, stalker, and other prohibited persons -- and no law-abiding citizen has been stopped from buying a gun for sport or self-protection. In fact, the Brady Law has proven to be one of the most effective law enforcement tools ever.

Under pressure from the gun lobby, some in the House have proposed gun show legislation that is riddled with new and dangerous loopholes similar to those that were defeated in the Senate. I urge you to reject that approach, and support the common sense measures enacted by the Senate.

Your vote on these important details can make the difference in whether or not we close the gun show loophole once and for all. For instance, if the current House proposal to put a 72-hour time limit on background checks at gun shows applied to our National Instant Check System (NICS), the Justice Department estimates that 22 percent of the fugitives and felons that have been denied guns -- or more than 9,300 since the start of this year -- would have them today. But that is not all. The House bill would also allow hundreds of guns to be sold at flea markets without any background check, and it would prevent law enforcement from tracing many of guns that are sold at gun shows and later used in crimes.

As a supporter of the Brady bill, you have a record of putting the interests of the American people over the clout of the gun lobby. In the that same spirit, I ask you again to vote your convictions -- and vote once again to keep guns out of the wrong hands.