

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 092 - FOLDER -008

[03/31/1999]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elisa Millsap (CN=Elisa Millsap/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-MAR-1999 08:41:21.00

SUBJECT: Boston

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

Rep. Marty Meehan sponsored a bill, H.R. 193, that designates 29 miles of the Assabet, Concord, and Sudbury rivers in Massachusetts as components of the national

wild and scenic rivers systems. The legislation arose from a grassroots movement started over a decade ago and hundreds of people have worked extremely hard to make this legislation happen.

This is the very first piece of legislation that Meehan has passed, and he is hoping for a bill-signing ceremony. If we can coordinate the timing on receiving the bill, what about signing this in Boston on April 16? Sen. Kennedy took the lead in the Senate and Reps. Olver, Neal, McGovern, Frank, Tierney, Markey, Moakley, and Delahunt are all cosponsors.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 09:01:10.00

SUBJECT: Senior Staff Coverage for the Weekend, April 1 - 4

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

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

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

TEXT:

please let me know your contact numbers for this weekend. Thanks.

----- Forwarded by Laura Emmett/WHO/EOP on 03/31/99 09:00
AM -----

ANTOINETTE D. MARCHETTE

03/31/99 08:54:51 AM

Record Type: Record

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

cc: Kelli R. McClure/WHO/EOP

Subject: Senior Staff Coverage for the Weekend, April 1 - 4

I will be collecting information on Senior Staff Coverage for April 1 through April 4. I will need information on where the Senior Staff will be for each day throughout this period, whether it is in the office or out of the area.

Please have this information to me by COB today, it is very important.

Thank you.

Message Sent

To: _____

Brian A. Alcorn/WHO/EOP

Kevin S. Moran/WHO/EOP

Jonathan E. Smith/WHO/EOP

Edward F. Hughes/WHO/EOP

Laura Emmett/WHO/EOP

Katharine Button/WHO/EOP

Maria E. Soto/WHO/EOP

Mindy E. Myers/WHO/EOP

Diana C. Donnelly/WHO/EOP

Virginia L. Cearley/WHO/EOP

Gay L. Joshlyn/OPD/EOP

Betty W. Currie/WHO/EOP

Mary Morrison/WHO/EOP

Cynthia M. Jasso-Rotunno/WHO/EOP

Bethany T. Przeworski/WHO/EOP
Heather M. Riley/WHO/EOP
Joseph D. Ratner/WHO/EOP
Ilia V. Velez/WHO/EOP
Carolyn E. Cleveland/WHO/EOP
Scott R. Hynes/OVP @ OVP
Lisa J. Levin/WHO/EOP
Anne Whitworth/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 09:43:15.00

SUBJECT: Weekly Health Care Strategy Meeting

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

READ:UNKNOWN

TO:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 09:48:00.00

SUBJECT: .Supreme court gun case Q&A

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D50]MAIL46479220C.136 to ASCII,

The following is a HEX DUMP:

FF575043B0040000010A02010000000205000000130B0000000200007B828D7BE502B55CB9AE57
C62216DB808BCCA27ECBF350165393C70A96CEF469C4E9F1A1051AE206418FA216AD57233BB4E8
BF08E79DC77D4964C7BCF98F22F6AE75945608672E3C8972C50FE9826AB78571ED4EF8AE4E1F6C
C66FBD0A88E6CE17902D100BB373FAD121A34068C18BD2BD73BB7F3A986CD9EACB2877E8D9D1AE

**Supreme Court Gun Case
Question and Answer
March 31, 1999**

Q: Yesterday, the U.S. Supreme Court reversed a lower court decision and held that individuals charged in multi-state crime sprees can be prosecuted in any of those states for using a gun even if they used the gun in only one state. Are you supportive of the Court's decision?

A: Criminals who threaten the public safety by using guns during the commission of violent crimes should be subject to the tough, mandatory sentences set out in federal law. We are pleased with the Court's strong 7-2 decision in favor of the Justice Department's appeal to make sure we can bring armed criminals engaged in multi-state crimes to justice.

The President recently signed into law provisions to further strengthen penalties for criminals who use guns to commit their crimes. The law signed by the President last November assures that criminals who possess firearms in furtherance of drug-related or violent crimes receive an additional 5-year sentence for their possession of the firearm, and adds a new penalty for those who brandish firearms during the commission of their crime.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Nicole R. Rabner (CN=Nicole R. Rabner/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:31-MAR-1999 11:07:20.00

SUBJECT: Dodd Amendment on Child Care

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

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

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

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

TEXT:

We met yesterday with Jeanne Ireland from Dodd's office and leading child care advocates to discuss strategy around the successful Dodd child care amendment to the Senate budget resolution.

Dodd's office reported on a recent meeting with the Dem Senate budget staff, who explained what is likely to happen next. The Conference Report will direct a certain level of total funding to the Committee of jurisdiction (presumably, but apparently not definitively, Finance) for all its programs, including mandatory child care dollars. The best case scenario is for the Conference Report to include language specifically designated additional funds for the child care block grant. But, Jeanne reported, the budget staff urged that even without this language, Dodd should declare victory on his amendment, because the total dollars directed to the Committee could include these additional child care dollars. Either way, we would then collectively turn our attention to working the Committee. Jeanne said that the bills are being conferred on a staff level during recess, and the Conference Report will likely be announced the week of April 12th.

We discussed strategy -- both visibility on the issue and behind-the-scenes work -- for the next many weeks. Jeanne seemed very nervous about the White House being highly visible in the short term, suggesting that any indication that the R's who voted for the child care increase handed the President a victory will doom it to the sidelines. She did think it was helpful, however, to continue to raise the importance of the issue of child care generally, and even conceded that a carefully worded Presidential statement about the leadership of the Senate on a bipartisan basis on this issue would be okay, and perhaps advisable.

I suggest we consider a few things:

(1) Adding a few sentences as described above to the President's comments on the release of the TANF rule (reiterating his commitment to child care, lauding the Senate);

(2) Using upcoming appearances by the First Lady to reinforce the President's comments and highlight the issue; and

(3) Developing a behind-the-scenes strategy both for the Conference of the budget resolution and beyond. Obviously, this will be sensitive due to our overall opposition to the budget resolution. However, I think we should consider calls to key Budget House and Senate members (perhaps including any amenable Conferees, when they are appointed), as well as letters from our Principals urging attention to this issue.

Perhaps we should call an internal legislative strategy meeting sometime next week to discuss further -- Bruce or Elena, do you want to chair?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 11:45:43.00

SUBJECT: Crime Strategy Meeting

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Charles A. Blanchard (CN=Charles A. Blanchard/OU=ONDCP/O=EOP @ EOP [ONDCP])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Sherron Duncan (CN=Sherron Duncan/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

TEXT:

There will be a Crime Strategy Meeting on Monday, April 5, at 3:00 p.m. in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 11:56:17.00

SUBJECT: REMINDER: ESEA REAUTHORIZATION MEETING WED 3/31 at 3:30PM

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Wayne Upshaw (CN=Wayne Upshaw/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Noelle Hull (CN=Noelle Hull/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

----- Forwarded by Sandra Yamin/OMB/EOP on 03/31/99 11:55
AM -----

Sandra Yamin
03/26/99 03:19:44 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: REMINDER: ESEA REAUTHORIZATION MEETING WED 3/31 at 3:30PM

Just a reminder -- there will be another ESEA Reauthorization meeting on Wed., Mar 31 from 3:30 - 5:00PM in Barbara Chow's office (OEOB 260). The topics to be covered will include remaining issues: Title II (Teacher Quality), Title III (Technology) and Safe and Drug Free Schools. Please forward this message to anyone I may have missed.

FYI -- We may need to schedule a meeting for Thurs, April 1. I will get back to you when I have a confirmed time. Thank you.

Attendees:

Barbara Chow, OMB
Bruce Reed, DPC
Elena Kagan, DPC
Neera Tanden, DPC
Jon Schnur, OVP
Tanya Martin, DPC
Broderick Johnson, WHLA
Mike Smith, ED
Mike Cohen, ED
Ann O'Leary, ED
Diane Rogers, ED
Scott Fleming, ED
Tom Corwin, ED
Judith Johnson, ED

Message Sent

To: _____
Bruce N. Reed/OPD/EOP@EOP
Elena Kagan/OPD/EOP@EOP
Broderick Johnson/WHO/EOP@EOP
Tanya E. Martin/OPD/EOP@EOP
Jonathan H. Schnur/OPD/EOP@EOP
Neera Tanden/WHO/EOP@EOP

Message Copied

To: _____
Cathy R. Mays/OPD/EOP@EOP
Laura Emmett/WHO/EOP@EOP
Barry White/OMB/EOP@EOP
Wayne Upshaw/OMB/EOP@EOP
Leslie S. Mustain/OMB/EOP@EOP
Constance J. Bowers/OMB/EOP@EOP
Janet R. Forsgren/OMB/EOP@EOP
Barbara Chow/OMB/EOP@EOP
Noelle Hull/OMB/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 12:00:52.00

SUBJECT: ESEA Reauthorization Meeting Thurs, Apr 1 at 5:00PM

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Wayne Upshaw (CN=Wayne Upshaw/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Noelle Hull (CN=Noelle Hull/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We have scheduled another ESEA Reauthorization meeting for Thurs., Apr 1 at 5:00PM in Barbara Chow's office (OEOB 260). The topic to be covered will be Bilingual Education. Please forward this message to anyone I may

have missed. Thank you.

Attendees:

Barbara Chow, OMB
Bruce Reed, DPC
Elena Kagan, DPC
Neera Tanden, DPC
Jon Schnur, OVP
Tanya Martin, DPC
Broderick Johnson, WHLA
Mike Smith, ED
Mike Cohen, ED
Ann O'Leary, ED
Diane Rogers, ED
Scott Fleming, ED
Tom Corwin, ED
Judith Johnson, ED

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 12:09:58.00

SUBJECT: LRM CJB34.- - EDUCATION Draft Bill on Transition to Teaching ("Troops to T

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

READ:UNKNOWN

TO: tom.herlihy@ost.dot.gov@inet (tom.herlihy@ost.dot.gov@inet [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: lrm (lrm @ nsf.gov @ inet [UNKNOWN])

READ:UNKNOWN

TO: dot.legislation (dot.legislation @ ost.dot.gov @ inet [UNKNOWN])

READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: dodlrs (dodlrs @ osdgc.osd.mil @ inet [UNKNOWN])
READ:UNKNOWN

TEXT:

Please comment by: 11:00 a.m., Monday, April 5, 1999

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

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

Use the following identifying information:

username: LRM

password: text

(See LRM below for more information regarding website)

----- Forwarded by Constance J. Bowers/OMB/EOP on 03/31/99
11:32 AM -----

LRM ID: CJB34

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

Washington, D.C. 20503-0001

Wednesday, March 31, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Constance J. Bowers

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

SUBJECT: EDUCATION Draft Bill on Transition to Teaching ("Troops to Teachers") - Part B, Subpart 1, Title II (Professional Development), of the Elementary and Secondary Education Act Reauthorization

DEADLINE: 11:00 a.m. Monday, April 5, 1999

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

COMMENTS: The draft bill language can be found on the following website:

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

Use the following identifying information:

username: LRM

password: text

[Note: The website has been established as a central point for reviewers to access all of the many pieces of ED's draft bill to reauthorize the ESEA. Because of the magnitude of this bill, review and clearance is being handled in separate parts. Most of these parts have been sent to you electronically as word processing files; however, some reviewers have experienced difficulty accessing the documents because of incompatible word processing systems. You may also access these documents electronically. Thanks for your cooperation.]

DISTRIBUTION LIST

AGENCIES:

29-DEFENSE - Samuel T. Brick Jr. - (703) 697-1305

117 & 340-TRANSPORTATION - Tom Herlihy - (202) 366-4687

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

84-National Science Foundation - Lawrence Rudolph - (703) 306-1060

EOP:

Barbara Chow
 Sandra Yamin
 Barry White
 Wayne Upshaw
 Leslie S. Mustain
 Wei-Min C. Wang
 Bruce N. Reed
 Elena Kagan
 Jonathan H. Schnur
 Tanya E. Martin
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 Neera Tanden
 Peter Rundlet
 Robert G. Damus
 Rosalyn J. Rettman
 Daniel J. Chenok
 Daniel I. Werfel
 Pamula L. Simms
 Howard Dendurent
 Bryan R. Smith
 Suzanne L. White
 David E. Tornquist
 Sarah G. Horrigan
 Janet R. Forsgren
 James J. Jukes

LRM ID: CJB34 SUBJECT: EDUCATION Draft Bill on Transition to Teaching
 ("Troops to Teachers") - Part B, Subpart 1, Title II (Professional
 Development), of the Elementary and Secondary Education Act Reauthorization

RESPONSE TO
 LEGISLATIVE REFERRAL
 MEMORANDUM

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

You may also respond by:

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

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

TO: Constance J. Bowers Phone: 395-3803 Fax: 395-6148
 Office of Management and Budget
 Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: _____ (Date)
 _____ (Name)

{Note: This will be Subpart 1 of Part B ("Teachers for Tomorrow")}

TRANSITION TO TEACHING

SEC. XXX. Title II of the Act is further amended by adding a new subpart 1 of Part B to read as follows:

"SUBPART 1 -- TRANSITION TO TEACHING

"FINDINGS

"SEC. 2201. The Congress finds as follows:

"(1) School districts will need to hire more than 2 million teachers in the next decade. The need for teachers in the areas of math, science, foreign languages, special education, and bilingual education, and for those able to teach in poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

"(2) Nearly 28 percent of teachers of academic subjects have neither an undergraduate major nor minor in their main assignment fields. This problem is more acute in high-poverty schools, where the out-of-field percentage is 39 percent.

"(3) Out-of-field teaching is greatest in math and science, with 26 percent of students in high-poverty public secondary schools being taught math by a teacher with neither a major nor a minor in the field, and 71 percent of such students being taught physics by such a teacher.

"(4) The Third International Math and Science Study (TIMSS) ranked U.S. high school seniors last among 16 countries in physics and next to last in math. It is also evident, mainly from the TIMSS data, that based on academic scores, a stronger

emphasis needs to be placed on the academic preparation of our children in math and science.

"(5) One-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

"(6) Many career-changing professionals with strong content-area skills are interested in a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience.

"(7) The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in low-performing, high-poverty schools districts.

"PURPOSE

"SEC. 2202. The purpose of this subpart is to address the need of high-poverty school districts for highly qualified teachers in particular subject areas, such as mathematics, science, foreign languages, bilingual education, and special education, in high-poverty school districts by—

"(1) continuing and expanding the Troops to Teachers model for recruiting, preparing, placing, and supporting such teachers; and

"(2) recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that will help them become such teachers.

"PROGRAM AUTHORIZED

"SEC. 2203 (a) Authority.--Subject to subsection (b), the Secretary is authorized to use funds appropriated under subsection (c) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this subpart.

"(b) Troops to Teachers.—(1) Before making awards under subsection (a) for any fiscal year, the Secretary shall first—

"(A) Consult with the Secretary of Defense and the Secretary of Transportation regarding the appropriate amount of funding needed to continue and enhance the Troops to Teachers program; and

"(B) Upon agreement, transfer that amount to the Defense Activity for Non-Traditional Education Support (DANTES) to carry out the Troops to Teachers program, consistent with the requirements of this subpart.

"(2) The Secretary may enter into a written agreement with the Departments of Defense and Transportation, or take such other steps as the Secretary determines are appropriate to ensure effective continuation of the Troops to Teachers program.

"(c) Authorization of Appropriations. For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and each of the four succeeding fiscal years.

"APPLICATION

"SEC. 2204. Each applicant that desires an award under section 2303(a) shall submit an application to the Secretary containing such information as the Secretary requires, including—

"(1) a description of the target group of career-changing professionals upon which the applicant will focus in carrying out its program under this subpart, including a description of the characteristics of that target group that shows how the knowledge and experience of its members is relevant to meeting the purpose of this subpart;

"(2) a description of how the applicant will identify and recruit program participants;

"(3) a description of the training that program participants will receive and how that training will relate to their certification as teachers;

"(4) a description of how the applicant will ensure that program participants are placed and teach in high-need local educational agencies;

"(5) a description of the teacher induction services (which may be provided through existing induction programs) the program participants will receive throughout at least their first year of teaching;

"(6) a description of how the applicant will collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program participants under this subpart, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program;

"(7) a description of how the applicant will evaluate the progress and effectiveness of its program, including—

"(A) the program's goals and objectives;

"(B) the performance indicators the applicant will use to measure the program's progress; and

"(C) the outcome measures that will be used to determine the program's effectiveness; and

"(8) an assurance that the applicant will provide to the Secretary such information as the Secretary determines necessary to determine the overall effectiveness of programs under this subpart.

"USES OF FUNDS AND PERIOD OF SERVICE

"SEC. 2205. (a) Authorized Activities. Funds under this part may be used for—

"(1) recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them;

"(2) training stipends and other financial incentives for program participants, such as moving expenses, not to exceed \$5,000, in the aggregate, per participant;

"(3) assisting institutions of higher education or other providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching;

"(4) placement activities, including identifying high-need local educational agencies with needs for the particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those local educational agencies; and

"(5) post-placement induction or support activities for program participants.

"(b) Period of Service. A program participant in a program under this subpart who completes his or her training shall teach in a high-need local educational agency for at least four years.

"(c) Repayment. The Secretary shall establish such requirements as the Secretary determines appropriate to ensure that program participants who receive a training stipend or other financial incentive under subsection (a)(2), but fail to complete their service obligation under subsection (b), repay all or a portion of such stipend or other incentive.

"EQUITABLE DISTRIBUTION

"SEC. 2206. To the extent practicable, the Secretary shall make awards under this subpart that support programs in different geographic regions of the Nation.

"DEFINITIONS

"SEC. 2307. As used in this subpart—

"(1) the term 'high-need local educational agency' means a local educational agency that serves an elementary or secondary school located in an area in which there is, as determined by the Secretary—

"(A) a high percentage of students from families with incomes below the poverty line;

"(B) a high percentage of secondary school teachers not teaching in a content area in which they were trained; or

"(C) a high teacher turnover rate; and

"(2) the term 'program participants' means career-changing professionals, including returning or separating military personnel, who—

"(A) hold at least a baccalaureate degree;

"(B) demonstrate interest in, and commitment to, becoming a teacher; and

"(C) have knowledge and experience that is relevant to teaching a high-need subject area in a high-need local educational agency.".

THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1999
Section-by-Section Analysis
TITLE II--PART B—Subpart 1

Section XXX. Section XXX of the bill would amend Title II of the Act by adding a new subpart 1 of Part B, authorizing the Transition to Teaching Program.

Proposed new section 2201 of the Act would set out the Congressional findings for the new subpart. In the next decade, school districts will need to hire more than 2 million teachers, especially in the areas of math, science, foreign languages, special education, and bilingual education. The need for teachers able to teach in poverty school districts will be particularly high. To meet this need, talented Americans of all ages should be recruited to become successful, qualified teachers.

Nearly 28 percent of teachers of academic subjects have neither a major nor a minor in their main assignment fields. This problem is even more acute in high-poverty areas, where the out-of-field percentage is 39. Out-of-field teaching is greatest in math and science, with 26 percent of students in high-poverty public secondary schools being taught math, and 71 percent of such students being taught physics, by a teacher with neither a major nor minor in the field.

Additionally, the Third International Math and Science Study (TIMSS) ranked U.S. high school seniors last among 16 countries in physics, and next to last in math. Based mainly on TIMSS data, it is also evident that a stronger emphasis needs to be placed on the academic preparation of our children in math and science.

Further, one-fourth of high-poverty schools find it very difficult to fill bilingual teaching positions, and nearly half of public school teachers have students in their classrooms for whom English is a second language.

Many career-changing professionals with strong content-area skills are interested in making a transition to a teaching career, but need assistance in getting the appropriate pedagogical training and classroom experience. The Troops to Teachers model has been highly successful in linking high-quality teachers to teach in low-performing, high-poverty school districts.

Proposed new section 2202 of the Act would establish the statement of purpose for the program. Under proposed new section 2202, the purpose of the program would be to address the shortage of highly qualified teachers in subject areas such as mathematics, science, foreign languages, bilingual education, and special education, in high-poverty school districts. This would be accomplished by continuing and expanding the Troops to Teachers model for recruiting, preparing, placing, and supporting such teachers, and by recruiting, preparing, placing, and supporting career-changing professionals who have knowledge and experience that would help them become such teachers.

Proposed new section 2203 of the Act would establish the program authority and the authorization of appropriations for the Transition to Teaching program. Under proposed new section 2203(a), the Secretary would be authorized to use funds appropriated under proposed new section 2203(c) for each fiscal year to award grants, contracts, or cooperative agreements to institutions of higher education and public and private nonprofit agencies or organizations to carry out programs authorized by this subpart.

Proposed new section 2203(b)(1)(A) would provide that before making any awards under proposed new section 2203(a), the Secretary would be required to consult with the Secretaries of Defense and Transportation with respect to the appropriate amount of funding necessary to continue and enhance the Troops for Teachers program. Additionally, proposed new section 2203(b)(1)(B) would provide that upon agreement, the Secretary transfer the amount under proposed new section 2203(b)(B) to the Defense Activity for Non-Traditional Education Support (DANTES) to carry out the Troops for Teachers program, consistent with the requirements of this subpart. Further, proposed new section 2203(b)(2) would allow the Secretary to enter into an agreement with the Departments of Defense and Transportation, or take such steps as the Secretary determines are appropriate to ensure effective continuation of the Troops to Teachers program.

Finally, proposed new section 2203(c) would authorize the appropriation of such sums for fiscal year 2001 and each of the four succeeding fiscal years to carry out this subpart.

Proposed new section 2204 of the Act would establish the application process requirements. Proposed new section 2204 would provide that an applicant that desires a grant under this chapter must submit to the Secretary an application containing such information as the Secretary may require. Under proposed new paragraph (1) of section 2204, applicants would be required to include a description of the target group of career-changing professionals upon which they would focus in carrying out their programs under this subpart, including a description of the characteristics of that target group that shows how the knowledge and experience of its members is relevant to meeting the purpose of this subpart. Under paragraphs (2) and (3) of proposed new section 2204, an applicant would also be required to describe how it plans to identify and recruit program participants, as well as what type of training program participants would receive and how that training would relate to their certification as teachers.

Paragraph (4) of proposed new section 2204 would require an applicant to describe how it would ensure that program participants were placed and would teach in high-need local educational agencies (LEAs). Paragraph (5) would require a description of the teacher induction services program participants would receive throughout at least their first year of teaching. Paragraph (6) of proposed new section 2204 would require an applicant to describe how the applicant would collaborate, as needed, with other institutions, agencies, or organizations to recruit, train, place, and support program

participants under this part, including evidence of the commitment of the institutions, agencies, or organizations to the applicant's program.

Paragraph (7) of proposed new section 2204 would require a description of how the applicant would evaluate the progress and effectiveness of its program, including the program's goals and objectives, the performance indicators the applicant would use to measure the program's progress, the outcome measures that would be used to determine the program's effectiveness. Finally, paragraph (8) of proposed new section 2204 would require an assurance that the applicant would provide to the Secretary such information as the Secretary determines necessary to assess the overall effectiveness of programs under this subpart.

Proposed new section 2205 would describe the activities authorized under this subpart. Under proposed new section 2205(a)(1), funds received under this subpart could be used to recruit program participants. The recruitment could include informing program participants of opportunities under the program, and putting them in contact with other institutions, agencies, or organizations that would train, place, and support them. Proposed new section 2205(a)(2) would authorize training stipends and other financial incentives for program participants. This could include moving expenses, not to exceed \$5,000, in the aggregate, per participant.

Proposed new section 2205(a)(3) would authorize the use of funds under this subpart to assist institutions of higher education or other providers of teacher training to meet the particular needs of professionals who are changing their careers to teaching. Proposed new section 2205(a)(4) would authorize placement activities, including identifying high-need LEAs with needs for particular skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those LEAs. Proposed new section 2205(a)(5) would authorize post-placement induction or support activities for program participants.

Proposed new section 2205(b) would establish the period of service. Under proposed new section 2205(b), a program participant who completes his or her training would be required to teach in a high-need LEA for at least four years. Proposed new section 2205(c) would allow the Secretary to establish appropriate requirements to ensure that program participants who receive a training stipend or other financial incentive but fail to complete their service obligation repay all or a portion of such stipend or other incentive.

Proposed new section 2206 would require the Secretary, to the extent practicable, to make awards under this subpart that support programs in different geographic regions of the nation.

Finally, proposed new section 2207 would establish definitions for the program. Proposed new section 2207(1) would define the term "high-need local educational agency" as an LEA that serves an elementary or secondary school located in an area in which there is, as determined by the Secretary, a high percentage of students from

families with incomes below the poverty line, a high percentage of secondary school teachers not teaching in the content area in which they were trained; or a high teacher turnover rate. Proposed new section 2207(2) would define the term "program participants" as career-changing professionals, including returning or separating military personnel, who hold at least a baccalaureate degree, demonstrate interest in, and commitment to becoming a teacher, and have knowledge and experience relevant to teaching a high-need subject area in a high need LEA.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 12:15:10.00

SUBJECT: profiling exec order

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Is the memo to president outlining the plan here and options ready to go as we discussed last week? I think DOJ's plan for a convening of law enforcement and civil rights leaders in mid-April as Elena described this am sounds great. real progress here. By the way, I thought I should pass on that both of you and Riley are getting high marks for the willingness and openness to work with the civil rights groups on esea--suggests to me that progress can still be made even if there's not full agreement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 13:04:49.00

SUBJECT: Re: wjw article

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

READ:UNKNOWN

TEXT:

Thanks. By the way, what is your timing re Civil Rights section that was distributed Friday? tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lisa M. Jones (CN=Lisa M. Jones/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:31-MAR-1999 13:18:45.00

SUBJECT: Headsup

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

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

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

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

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

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

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

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

TO: Janet L. Yellen (CN=Janet L. Yellen/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

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

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

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

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

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Memo was signed on Friday, March 26, 1999.

MEMORANDUM FOR JOHN PODESTA

THROUGH: Jacob J. Lew
Sylvia Mathews

FROM: Don Arbuckle

SUBJECT: Heads-Up Clearance of Regulations

Within the next several days we will be clearing four high profile regulations.

☐☐ - Temporary Assistance to Needy Families (TANF) final regulation from HHS

We have completed our review of the Department of Health and Human Service's (HHS,) Temporary Assistance to Needy Families (TANF) regulations on Friday, March 26th. This final rule implements the 1996 welfare reform statute. The TANF rule as proposed in November 1997, generated significant criticism from States and advocates for poor families. They argued that the proposal was overly burdensome, discouraged State innovation, and demonstrated a mistrust of how States will exercise the discretion that the statute intended to provide. In response to these comments, HHS has revised the final rule significantly to increase flexibility and reduce burden while maintaining accountability.

The final rule will likely receive significant attention. Reaction is expected to be mostly favorable given the changes from the NPRM, although the rule could still receive criticism for excessive requirements on States. A rollout is being planned by DPC for mid-April.

☐☐ - OFHEO Risk Based Capital Regulation

OMB completed its review of the Office of Federal Housing Enterprise Oversight Risk-Based Capital Regulation for Fannie Mae and Freddie Mac on Thursday, March 25th . The rule was sent to the Hill Friday afternoon, March 26th. At about the same time, OFHEO issued a press release. Congress will have 15 calendar days to comment on the rule before it is published in the Federal Register and the public will have 120 days after that to comment on the proposed rule.

The rule specifies the risk-based capital stress test that will determine the amount of capital each Enterprise is required to hold to maintain positive capital throughout a ten-year period of economic stress. There is great interest in Congress and the financial community in seeing the proposed rule and determining its impact on the Enterprises and mortgages markets. Fannie Mae has publically expressed concern about the possible impact on its operations and mortgage markets, while Freddie Mac has called for its publication.

☐☐ - Workforce Investment Act (WIA) Regulations from DOL

On Thursday, March 25th OMB completed its review of the Department of Labor's (DOL) interim final regulation implementing the Workforce Investment Act (WIA) of 1998. Based on the President's G.I. Bill for America's Workers proposal, WIA reforms and streamlines the nation's employment and training system by consolidating numerous publicly funded job training and employment programs. Key WIA reforms include the development and implementation of a network of one-stop centers that provides a central point of entry to services, and individual training accounts, or vouchers, to finance adult training.

The interim final rule may receive some attention from locally elected officials who have lobbied DOL for a greater role in the governance of the system. Also, members of both the minority and majority on Hill sent a letter to the President (11/24/98) stressing the importance of coordination between the Federal agencies in providing services though the one-stop. In response to this letter, DOL conducted extensive consultations with its Federal partners and State and locals in developing this interim final rule, and will continue this consultative process during WIA implementation, which begins on July 1, 1999. DOL expects to publish a final rule in December 1999.

☐☐ - DOL's Helpers' Regulation

OMB will be completing its review of the Department of Labor's proposed Helpers' regulation during the early part of the week of March 29th. The proposed regulation governs the use of semi-skilled helpers, who assist skilled journeymen on Davis-Bacon construction projects. The proposal would place into regulation the Department's current policy of strictly limiting the use of helpers. This issue has been the subject of Congressional riders and court decisions over the past 15 years, which for all but a short period in 1992-93 also had the effect of strictly limiting the use of helpers on Federal construction contracts.

Please let us know if you have any questions or concerns on any of these regulations.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 14:05:45.00

SUBJECT:

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

Reminder: medicare principals mtg. is at 2:00 in room 211 OEOB

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 14:21:06.00

SUBJECT: racial profiling

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

READ:UNKNOWN

TEXT:

If there's (or when there's) paper floating around on this issue, could I get in the loop? Thanks. tds

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 15:42:46.00

SUBJECT: April 6th Travel

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: Mary L. Smith (CN=Mary L. Smith/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: Cynthia A. Rice (CN=Cynthia A. Rice/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: Sarah A. Bianchi (CN=Sarah A. Bianchi/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TEXT:

FYI -- Agriculture Tour has been canceled for next week.

----- Forwarded by Karin Kullman/OPD/EOP on 03/31/99

02:46 PM -----

Heather L. Davis
03/31/99 03:35:13 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc:
Subject: April 6th Travel

April 6th travel has officially been cancelled. No word yet on if or when it will be rescheduled. Thanks again!

Message Sent

To: _____

Megan C. Moloney/WHO/EOP
Robert Rosen/WHO/EOP
Phillip Caplan/WHO/EOP
Heather L. Davis/WHO/EOP
Anne M. Edwards/WHO/EOP
Michelle A. Enger/OMB/EOP
Kirk T. Hanlin/WHO/EOP
Sara M. Latham/WHO/EOP
Anne E. McGuire/WHO/EOP
Elisa Millsap/WHO/EOP
Linda L. Moore/WHO/EOP
Kevin S. Moran/WHO/EOP
Mary Morrison/WHO/EOP
Jaycee A. Pribulsky/WHO/EOP
Cathy R. Mays/OPD/EOP
Dan K. Rosenthal/WHO/EOP
Laura D. Schwartz/WHO/EOP
Jordan Tamagni/WHO/EOP
Barry J. Toiv/WHO/EOP
Douglas B. Sosnik/WHO/EOP
Cecily C. Williams/WHO/EOP
Ann F. Lewis/WHO/EOP
June G. Turner/WHO/EOP

Cheryl M. Carter/WHO/EOP
Joseph P. Lockhart/WHO/EOP
Jennifer M. Palmieri/WHO/EOP
Brian A. Alcorn/WHO/EOP
Kris M Balderston/WHO/EOP
Thomas D. Janenda/WHO/EOP
Marjorie Tarmey/WHO/EOP
Minyon Moore/WHO/EOP
Cynthia M. Jasso-Rotunno/WHO/EOP
Maria Echaveste/WHO/EOP
Robert B. Johnson/WHO/EOP
Douglas J. Band/WHO/EOP
Sean P. Maloney/WHO/EOP
Ruby Shamir/WHO/EOP
Evan Ryan/WHO/EOP
Nancy V. Hernreich/WHO/EOP
Stephanie S. Streett/WHO/EOP
Dorinda A. Salcido/WHO/EOP
James M. Teague/WHO/EOP
Melissa M. Murray/WHO/EOP
Laura S. Marcus/WHO/EOP
Stacie Spector/WHO/EOP
Jennifer C. Poole/NSC/EOP
Antony J. Blinken/NSC/EOP
Lisa J. Levin/WHO/EOP
Peter A. Weissman/OPD/EOP
Lowell A. Weiss/WHO/EOP
Dominique L. Cano/WHO/EOP
Mark J. Bernstein/WHO/EOP
Rachel A. Redington/WHO/EOP
Craig Hughes/WHO/EOP
Simeona F. Pasquil/WHO/EOP
Aviva Steinberg/WHO/EOP
Jonathan E. Smith/WHO/EOP
Melissa G. Green/OPD/EOP
Victoria A. Lynch/WHO/EOP
Joshua S. Gottheimer/WHO/EOP
Patrice L. Stanley/WHO/EOP
Beth A. Viola/CEQ/EOP
Lydia R. Ewing/OVP @ OVP
Matthew L. Bennett/OVP @ OVP
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Julie D. Eddy/WHO/EOP
Irma L. Martinez/WHO/EOP
HASMAN_T @ A1@CD@VAXGTWY
JOSHI_M @ A1@CD@VAXGTWY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 16:31:44.00

SUBJECT: LRM MNB37 - - REVISED LABOR Draft Bill on Alien Labor Certification User F

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Courtney B. Timberlake (CN=Courtney B. Timberlake/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: Susanne D. Lind (CN=Susanne D. Lind/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TO: Rosemarie W. Dale (CN=Rosemarie W. Dale/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

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

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

TO: Justine F. Rodriguez (CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [OMB])
READ:UNKNOWN

TO: Cordelia W. Reimers (CN=Cordelia W. Reimers/OU=CEA/O=EOP@EOP [CEA])
READ:UNKNOWN

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

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

LRM STATE (LRM STATE [UNKNOWN])
READ:UNKNOWN

LRM TREASURY (LRM TREASURY [UNKNOWN])
READ:UNKNOWN

LRM COMMERCE (LRM COMMERCE [UNKNOWN])
READ:UNKNOWN

LRM Small Business Administration (LRM Small Business Administration [UNKNOWN])
READ:UNKNOWN

LRM JUSTICE (LRM JUSTICE [UNKNOWN])
READ:UNKNOWN

TEXT:

NOTE TO EOP STAFF: YOU WILL NOT RECEIVE A HARD COPY OF THIS LRM.

LRM ID: MNB37
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Wednesday, March 31, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

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

OMB CONTACT: Melissa N. Benton

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

SUBJECT: REVISED LABOR Draft Bill on Alien Labor Certification

User Fees

DEADLINE: 1 p.m. Friday, April 2, 1999
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: The deadline is firm.

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Justine F. Rodriguez
J. Eric Gould
Elena Kagan
Harry E. Moran
Sarah S. Lee
Karen Tramontano
Mark J. Schwartz
Robert F. Mahaffie
Peter Rundlet
Rosemarie W. Dale
Irene Bueno
Susanne D. Lind
Robert G. Damus
Jennifer E. Brown
David J. Haun
Steven M. Mertens
Courtney B. Timberlake
Janet R. Forsgren
James J. Jukes

LRM ID: MNB37 SUBJECT: REVISED LABOR Draft Bill on Alien Labor
Certification User Fees
RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM

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

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be

connected to voice mail if the analyst does not answer); or
(2) sending us a memo or letter

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

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

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

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

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

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D43]MAIL44905230S.136 to ASCII,
The following is a HEX DUMP:

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DRAFT 3/31/99

SUBTITLE G-- ALIEN LABOR CERTIFICATION USER FEES

SEC. __ ESTABLISHMENT OF FEES.

(a) PERMANENT IMMIGRANT APPLICATION FEES.-- Section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A) is amended--

(1) in clause (i), by--

(A) striking “and” at the end of subclause (I),

(B) striking the period at the end of subclause (II) and inserting “, and”,

and

(C) by adding at the end the following:

“(III) the employer has submitted an application for certification of the alien under this paragraph and has paid an application fee in accordance with clause (iv).”; and

(2) by adding at the end the following:

“(iv)(I) The Secretary of Labor shall impose a fee of \$500 on an employer that--

“(aa) submits an application to the Secretary of Labor for certification under this subparagraph on or after October 1, 1999, or

“(bb) requests that the Secretary of Labor review an application

that was submitted to the Secretary of Labor for certification under this subparagraph prior to October 1, 1999, using the same review procedures applicable to applications submitted under sub-subclause (aa).

“(II)(aa) The employer submitting the application under this subparagraph shall not require or accept payment, directly or indirectly, of the fees established pursuant to subclause (I) by the alien who is the beneficiary of the certification.

“(bb) If the Secretary of Labor determines, after notice and opportunity for a hearing , that a violation of sub-subclause (aa) has occurred, the Secretary of Labor may impose a civil penalty in an amount not to exceed \$1,000 per violation and an administrative order requiring the return of any amounts received in violation of sub-subclause (aa) to the alien, or if the alien cannot be located, to the general fund of the Treasury.

“(III) Fees collected under this clause shall be deposited in the Treasury in accordance with section 286(u).”.

(b) H-2B NONIMMIGRANT APPLICATION FEES.-- Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

“(10)(A) Pursuant to the consultation process described in paragraph (1), the Secretary of Labor shall impose a fee of \$500 on employers that submit an application to the Secretary of Labor for certification of a nonimmigrant temporary worker as described in section 101(a)(15)(H)(ii)(b) on or after October 1, 1999.

“(B)(i) The employer submitting the application under this subsection shall not require or accept payment of the fee established under subparagraph (A), directly or indirectly, by

the alien who is the beneficiary of the certification.

“(ii) If the Secretary of Labor determines, after notice and opportunity for a hearing, that a violation of clause (i) has occurred, the Secretary of Labor may impose a civil penalty in an amount not to exceed \$1,000 per violation and administrative order requiring the return of any amounts received in violation of clause (i) to the alien, or if the alien cannot be located, to the general fund of the Treasury.

“(C) Fees collected under this paragraph shall be deposited in the Treasury in accordance with section 286(u).”.

SEC. __. ESTABLISHMENT OF ACCOUNT AND USE OF FUNDS.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

“(u) ALIEN LABOR CERTIFICATION USER FEE ACCOUNT.

“(1) ESTABLISHMENT.-- There is established in the general fund of the Treasury a separate account, which shall be known as the ‘Alien Labor Certification User Fee Account’. Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under sections 212(a)(5)(A) and 214(c)(10).

“(2) USE OF FEES.-- The fees deposited into the Alien Labor Certification User Fee Account shall be used by the Secretary of Labor for the costs of administering alien labor certification activities, including the costs of enforcement, under sections 212(a)(5)(A) and 214(c)(10). In addition, if, in any fiscal year, the Secretary of Labor determines that there are amounts in the account in excess of the amounts necessary to carry out

the certification activities for such year, the Secretary of Labor may use the excess amounts to carry out activities for dislocated workers in accordance section 171(d) of the Workforce Investment Act of 1998.

“(3) AVAILABILITY OF FUNDS.-- The fees deposited into the Alien Labor Certification User Fee account under this subsection shall remain available until expended for the activities described in paragraph (2).”.

DRAFT 3/31/99

STATEMENT IN EXPLANATION OF SUBTITLE G
ALIEN LABOR CERTIFICATION USER FEES

This subtitle would require the Secretary of Labor to impose a fee of \$500 on employers submitting applications for certification of aliens for permanent employment or for H-2B temporary visas (i.e. visas for temporary employment in occupations other than agriculture, logging, or registered nursing). A similar \$500 fee was established for employers submitting petitions for H-1B temporary visas (i.e. visas for employment in "specialty" occupations) last year under the American Competitiveness and Workforce Improvement Act.

For aliens to be eligible for permanent employment or H-2B temporary employment, the Secretary must certify, pursuant to an application submitted by an employer, that there are not sufficient workers available at the place the alien is to be employed and that the employment would not adversely affect the wages or working conditions of similarly employed workers in the U.S. Currently, the administrative costs of the Secretary of Labor in carrying out these labor certification activities are funded from appropriations out of general revenues and employers are not charged a fee for the processing of the application. However, since employers significantly benefit from the admission of these workers, it is appropriate that they assist in paying for these activities.

This subtitle would provide that the Secretary of Labor is to charge a fee of \$500 for applications for permanent immigrants submitted on or after October 1, 1999. In addition, employers who have filed an application prior to that date would be able to receive a review of that application under the same procedures used to review the applications submitted on or after October 1 if they pay a \$500 fee. The Department of Labor is currently developing and will be implementing a new, streamlined adjudicative process for certification of applications for permanent workers, and this provision would offer employers with pending applications the option of using the streamlined process. The Secretary would also be required to charge a \$500 fee for applications for H-2B temporary nonimmigrant labor certifications submitted on or after October 1, 1999.

The fees collected under this authority would be deposited as offsetting receipts into a special account in the U.S. Treasury. These funds would be available to the Secretary to, first, pay the costs of administering the labor certification process, including enforcement activities. Amounts in the account in excess of the amount needed in any fiscal year for administration would be available to the Secretary to carry out projects to assist dislocated workers in accordance with provisions of the Workforce Investment Act of 1998 (WIA). This additional use of funds is appropriate as a means for providing American workers who have lost their jobs with training and other assistance needed to obtain reemployment and for reducing the need for the

admission of additional aliens to fill these jobs.

Specifically, this subtitle contains two sections. The first section provides for the establishment of the fees.

Subsection (a) applies to fees relating to applications for labor certification of permanent immigrants. Paragraph (1) amends section 212(a)(5)(A) of the Immigration and Nationality Act (INA) to provide that submission of the application and payment of the fee is a condition for receiving certification. Paragraph (2) further amends this section of the INA by adding a new clause requiring the Secretary of Labor to impose a fee of \$500 on employers submitting applications for permanent immigrants on or after October 1, 1999, and on employers who submitted such applications prior to that date who request a review by the Secretary of Labor using the same review procedures applicable to the later applications. This clause also prohibits an employer from requiring or accepting payment of the fee by the alien who is the beneficiary of the certification. The Secretary is authorized to impose a civil penalty of up to \$1000 and order return of the payment to the alien if the Secretary determines that an employer has violated this prohibition. In addition, this clause provides that the fees are to be deposited into a special account in the U.S. Treasury.

Subsection (b) applies to H-2B nonimmigrant labor certification application fees. This provision amends section 214(c) of the INA by adding a new paragraph. The paragraph provides that the Secretary of Labor is to impose a fee of \$500 on employers submitting an application for certification of H-2B nonimmigrant temporary employment on or after October 1, 1999. The paragraph also contains the prohibition against employers requiring or accepting payment of the fee from an alien who is a beneficiary of the certification and authorizes the Secretary to impose a civil penalty of up to \$1000 on an employer violating the prohibition. The paragraph further provides that these fees are also to be deposited in the special account in the U.S. Treasury.

The second section of this subtitle relates to the establishment of the special account and the use of account funds. This section amends section 286 of the INA to add a new subsection. This new subsection establishes a special account in the general fund of the U.S. Treasury to be known as the Alien Labor Certification User Fee Account. All fees collected for the labor certification of permanent immigrant and H-2B temporary nonimmigrants are to be deposited as offsetting receipts into the account. This subsection further provides that the funds in the account are to be used by the Secretary of Labor for the costs of administering the labor certifications. In addition, amounts that the Secretary of Labor determines are in excess of the amount needed for administration may be used to carry out activities for dislocated workers in accordance with section 171(d) of the WIA. Finally, this subsection provides that the fees in the account are to remain available until expended for the authorized activities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 16:33:43.00

SUBJECT:

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

Deputies Mtg. is starting in Roosevelt Room

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 17:28:01.00

SUBJECT:

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

Pls. call Cynthia ASAP re: one more edit to tobacco stmt. 62846

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 18:28:58.00

SUBJECT: ESEA Reauthorization Meeting Thurs, Apr 1 -- TIME CHANGE

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Wayne Upshaw (CN=Wayne Upshaw/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Noelle Hull (CN=Noelle Hull/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

This meeting will begin at 4:00PM Thurs., Apr 1.

----- Forwarded by Sandra Yamin/OMB/EOP on 03/31/99 06:28

PM -----

Sandra Yamin
03/31/99 12:01:20 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: ESEA Reauthorization Meeting Thurs, Apr 1 at 5:00PM

We have scheduled another ESEA Reauthorization meeting for Thurs., Apr 1 at 5:00PM in Barbara Chow's office (OEOB 260). The topic to be covered will be Bilingual Education. Please forward this message to anyone I may have missed. Thank you.

Attendees:

Barbara Chow, OMB
Bruce Reed, DPC
Elena Kagan, DPC
Neera Tanden, DPC
Jon Schnur, OVP
Tanya Martin, DPC
Broderick Johnson, WHLA
Mike Smith, ED
Mike Cohen, ED
Ann O'Leary, ED
Diane Rogers, ED
Scott Fleming, ED
Tom Corwin, ED
Judith Johnson, ED

Message Sent

To: _____
Bruce N. Reed/OPD/EOP@EOP
Elena Kagan/OPD/EOP@EOP
Broderick Johnson/WHO/EOP@EOP
Tanya E. Martin/OPD/EOP@EOP
Jonathan H. Schnur/OPD/EOP@EOP
Neera Tanden/WHO/EOP@EOP
Lisa M. Towne/OSTP/EOP@EOP

Message Copied

To: _____
Cathy R. Mays/OPD/EOP@EOP
Laura Emmett/WHO/EOP@EOP
Barry White/OMB/EOP@EOP
Wayne Upshaw/OMB/EOP@EOP
Leslie S. Mustain/OMB/EOP@EOP
Constance J. Bowers/OMB/EOP@EOP
Janet R. Forsgren/OMB/EOP@EOP
Barbara Chow/OMB/EOP@EOP
Noelle Hull/OMB/EOP@EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 19:00:01.00

SUBJECT: President's Tobacco Statement

TO: Lisa Mendelson (CN=Lisa Mendelson/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

TO: FOLEY_M (FOLEY_M @ A1 @ CD @ LNWTWY [UNKNOWN]) (WHO)

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Released embargoed for Thursday 4:00pm (same embargo as CDC study)=====

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D77]MAIL49203430Q.136 to ASCII,
The following is a HEX DUMP:

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1FD205AA5CAC991CFAB0293DDED794C183A860245F42C7408D9C9DAC6B559EA22FF2D0EADF2F64
D5D77C250B53ECBA4443297CE0181553C228D79BF73EFA687430065F17E89E4641361E27F25C3D
E67A0CDAFD93B6C68E87A7D621853B714D026DA5ED15BC26F852E3A64A509EC1882F0A3B1E26FE

THE WHITE HOUSE

Office of the Press Secretary

Embargoed until

4:00pm Thursday April 1, 1999

STATEMENT BY THE PRESIDENT

Today, the Centers for Disease Control and Prevention is publishing promising new results from the youth anti-smoking program launched by the late Florida Governor Lawton Chiles. The study shows that in just one year, smoking has declined by 19 percent among middle school students and by 8 percent among high schoolers. These results show why every state should have a comprehensive program to reduce youth smoking and why I oppose any legislation waiving the federal government's claim to tobacco settlement funds without making a commitment from the states to fund such efforts. Without such legislation, states won't have to spend a single penny of the \$246 billion settlement to reduce youth smoking. We must act now: every day, 3000 children become regular smokers and 1000 will have their lives cut short as a result.

###

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:31-MAR-1999 19:47:34.00

SUBJECT: President's Tobacco Statement

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Note that Sylvia backed off on taking out the word "any."

----- Forwarded by Cynthia A. Rice/OPD/EOP on 03/31/99
07:48 PM -----

Cynthia A. Rice

03/31/99 06:58:42 PM

Record Type: Record

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

cc:

Subject: President's Tobacco Statement

Released embargoed for Thursday 4:00pm (same embargo as CDC study)

Message Sent

To: _____

Bruce N. Reed/OPD/EOP

Elena Kagan/OPD/EOP

Laura Emmett/WHO/EOP

Christopher C. Jennings/OPD/EOP

Jeanne Lambrew/OPD/EOP

Devorah R. Adler/OPD/EOP

J. Eric Gould/OPD/EOP

Fred DuVal/WHO/EOP

William H. White Jr./WHO/EOP

FOLEY_M @ A1 @ CD @ LNGTWY

Caroline R. Fredrickson/WHO/EOP

Lisa M. Kountoupes/WHO/EOP

Joshua Gotbaum/OMB/EOP

Lisa Mendelson/OMB/EOP

Ingrid M. Schroeder/OMB/EOP

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

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

TEXT:

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The following is a HEX DUMP:

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D5D77C250B53ECBA4443297CE0181553C228D79BF73EFA687430065F17E89E4641361E27F25C3D
E67A0CDAFD93B6C68E87A7D621853B714D026DA5ED15BC26F852E3A64A509EC1882F0A3B1E26FE

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