

**NLWJC - KAGAN**

**EMAILS CREATED**

**ARMS - BOX 008 - FOLDER 003**

**[3/9/1999 - 3/18/1999]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Ron Klain. Subject: Lawstudent. (1 page)	03/15/1999	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[03/09/1999 - 03/18/1999]

2009-1006-F

wr61

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-MAR-1999 11:56:05.00

SUBJECT: Format

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/09/99 11:58 AM -----

Karen Tramontano  
03/05/99 07:46:01 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Format

I hope this document proves to be helpful and useful. Thank you, again for the work-products you provided -- they were helpful to us. Please call me with any questions, thoughts or advice.

Message Sent

To: \_\_\_\_\_  
Neal Lane/OSTP/EOP  
George T. Frampton/CEQ/EOP  
Wesley P. Warren/CEQ/EOP  
Douglas B. Sosnik/WHO/EOP  
Maria Echaveste/WHO/EOP  
Steve Ricchetti/WHO/EOP  
Gene B. Sperling/OPD/EOP  
Lael Brainard/OPD/EOP  
Jonathan A. Kaplan/OPD/EOP  
Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Christopher C. Jennings/OPD/EOP  
Jacob J. Lew/OMB/EOP  
Sylvia M. Mathews/OMB/EOP  
Thomas L. Freedman/OPD/EOP

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

TEXT:

Unable to convert ARMS\_EXT: [ATTACH.D11]MAIL45094237Q.036 to ASCII,  
The following is a HEX DUMP:

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TO: POLICY COUNCILS

FROM: DOUG SOSNIK  
KAREN TRAMONTANO  
TOM FREEDMAN

DATE: March 5, 1999

SUBJECT: Long-Term Strategy Memorandums

Thank you for the initial survey of important issues in your area and their current status.

We would like you to build upon what you have given us and construct a strategic plan for the next six months for each of the major policy areas within your Council. The purpose of the strategic plan is, for each major issue area, to describe our goals, our best vehicles and initiatives, the optimal timing and legislative/political context for advancing our initiatives, what opposition we will face, and how we will overcome that opposition. What follows is:

- A. A list of the major policy areas and designated Council(s) to take the lead in drafting the strategic plan;
- B. A schedule for your reference of the four major time periods over the next six months;
- C. Formats for two submissions: (1) issue-oriented strategic plans in the major policy areas of your councils and (2) a list of significant upcoming challenges that will require Administration responses;
- D. Executive actions or other non-legislative actions the President can take regarding policy initiatives within or outside of the major policy areas.

Thank you for your hard work on this project, we are confident that it will result in an excellent tool for constructing a successful strategy for the next six months.

**A. Thematic Topics and Lead Policy Councils**

- A. Social Security/Medicare -- NEC/DPC
- B. Economy/Budget/Taxes -- NEC
- C. Crime -- DPC
- D. Education -- DPC/NEC
- E. Environment -- CEQ
- F. Health -- DPC
- G. Strong America -- NSC
- H. Other Priorities (initiatives that do not logically fit in the above areas but you feel are important).

**B. Time Periods and Issue Context.**

For your reference, we have broken down the next six months into four major time periods, each of which has had its own distinct thematic rhythm in the past.

- I. March thru April 4 (Easter)
- II. April 4 to May 31 (Memorial Day)
- III. June 1 to July 4th (recess)
- IV. July 4th thru August (recess)

**C. Suggested Formats for Submission**

**(1). Format for Strategic Plans**

[The goal of the plans is to concisely lay out what we want to accomplish, what opposition we will face, the context of our challenge, how we will achieve our goals, and an explanation of the best timetable for our actions.]

The plans should be formatted in the following manner:

I. General Policy Area (Crime)

(General goals for the issue area including brief description of what we have accomplished and what we seek to accomplish over the next 6 months).

A. Specific Agenda Item, such as the Crime Bill. Please limit plans to only major agenda items. Describe proposal very briefly (e.g. legislation to add an additional 100,000 police officers and ...).

B. Possible Presidential Actions (announcements, Executive Orders, studies, events.)

C. Republican agenda and likely response.

D. Timing and Strategy. Describe when we should act and why. Include important deadlines or events for the initiative. In considering the timing please describe legislative status (hearing or markups in the next six months), consider the general political context, indicate significant related events (e.g., the ending of the school year for an education roll-out, a significant anniversary), and concisely explain how the strategy will enable us to achieve our goal. In laying out your plan, please consider how your plan will build over time or indicate the series of steps that you want to take to reach a successful conclusion.

**(2) Format for Submissions for Challenges that Require Administration Response**

[As we discussed in our meeting this week, we expect a number of significant issues will present challenges to the administration between now and August. Some of the ones we discussed are: Military Readiness; NATO; The G8 ,including financial architecture; Tongas Management Plan; The Census; Israel; China/MFN; Renewal of the Haze Rule and Ireland. We ask that you review your list of challenges (which may include some of the ones listed above) and within the suggested format set out below, develop a strategy for an appropriate response.]  
In your submission, please:

I. Indicate the topic of the challenge and briefly describe it.

A. Timing. Explain when the issue is likely to come to the forefront and why.

B. Responses. Describe what the Administration response should be and what preparation is required to be ready for an appropriate response.

C. Presidential Action. Indicate whether a Presidential action will be required, what it is likely to be (statement, etc), and its probable timing.

**D. List of Executive of Actions**

Anticipating that the Congress may not be in a position to enact legislation, we also ask that you outline possible unilateral Presidential announcements or executive orders, including those that may fall outside the scope of major policy areas. Also, include the dates when you believe the administrative action can be taken. Our objective is to have a set of administrative announcements that are prepared or will be prepared for a date certain. Please list the action, the background, the date when it will be ready and when (optimally) used, an assessment of its priority, and any reasons it should not be used.

If you have any questions, contact Karen Tramontano at x61987. Please submit paper to her by COB Tuesday.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 16:06:47.00

SUBJECT: Ed-Flex POTUS Stmt

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/10/99 04:09  
PM -----

Jonathan H. Schnur  
03/10/99 03:31:37 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: Ed-Flex POTUS Stmt

----- Forwarded by Jonathan H. Schnur/OPD/EOP on 03/10/99  
03:34 PM -----

Laura Emmett  
03/10/99 12:11:40 PM  
Record Type: Record

To: Amy Weiss/WHO/EOP @ EOP, Jennifer M. Palmieri/WHO/EOP @ EOP, Jason H. Schechter/WHO/EOP @ EOP, Barry J. Toiv/WHO/EOP @ EOP  
cc: Jonathan H. Schnur/OPD/EOP @ EOP, Tanya E. Martin/OPD/EOP @ EOP  
Subject: Ed-Flex POTUS Stmt

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D77]MAIL45183847Y.036 to ASCII,  
The following is a HEX DUMP:

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*Statement of the President  
March 10, 1999*

Today, the Senate and the House have the chance to move forward with bipartisan legislation to reduce class size and improve public schools across the country. Last year, with bipartisan support, Congress enacted a down payment on my initiative to hire 100,000 teachers to reduce class size in the early grades. This week, the Republican leadership in the Senate not only is blocking a vote on the Murray-Kennedy amendment to finish the job, but is trying to undermine the bipartisan agreement we reached last fall. The Republicans are attempting to take the funds we agreed to invest in reducing class size and divert those funds to special education. While we should increase funding for special education -- as we have done in past years and as my budget recommends continuing to do in the future -- I will vigorously oppose taking this money from the recently enacted class size initiative. We should not be pitting our children against one another or changing the rules now on our critical efforts to reduce class size. Smaller classes will help all students do better, and will reduce the need for special education services by helping teachers identify and assist as early as possible children who are having learning problems. I call on every member of Congress to reject these Republican efforts, and allow an up-or down vote this afternoon on the Murray-Kennedy and Clay-Wu measures to help reduce class size and hire well-prepared teachers across the nation.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 12:17:32.00

SUBJECT: LRM CJB20 - - EDUCATION Draft Bill on Public Choice and Innovation (Magnet Schoo

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

READ:UNKNOWN

TEXT:

please print

----- Forwarded by Elena Kagan/OPD/EOP on 03/10/99 12:19 PM -----

Constance J. Bowers

03/10/99 10:56:32 AM

Record Type: Record

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

cc:

Subject: LRM CJB20 - - EDUCATION Draft Bill on Public Choice and Innovation (Magnet Schools, Charter Schools, and Choice Schools provisions) parts of the Elementary and Secondary Education Act Reauthorization (Parts of Title V, ESEA)

To follow is ED's draft language on equity provisions of the ESEA Reauthoziation. Please provide comments by:

12:00 noon, Monday, March 15, 1999

Note: If you are unable to access these files, please let me know. This material is not being faxed to you.

click here for draft bill text:

click here for draft sectional analysis text:

----- Forwarded by Constance J. Bowers/OMB/EOP on 03/10/99 10:38 AM -----

LRM ID: CJB20

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

Wednesday, March 10, 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 Public Choice and Innovation  
(Magnet Schools, Charter Schools, and Choice Schools provisions) parts of  
the Elementary and Secondary Education Act Reauthorization (Parts of Title  
V, ESEA)

DEADLINE: 12:00 noon Monday, March 15, 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: Because of the magnitude of ED's draft bill to reauthorize the  
Elementary and Secondary Education Act, circulation and interagency review  
will be handled in separate pieces.

## DISTRIBUTION LIST

## AGENCIES:

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

## EOP:

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William H. White Jr.  
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Janet Murguia  
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Shelly A. McAllister  
Jeffrey L. Farrow  
Janet R. Forsgren  
James J. Jukes

LRM ID: CJB20 SUBJECT: EDUCATION Draft Bill on Public Choice and  
Innovation (Magnet Schools, Charter Schools, and Choice Schools  
provisions) parts of the Elementary and Secondary Education Act  
Reauthorization (Parts of Title V, ESEA)

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:

[http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL\\_PATH=/nlcp-2/Arms404/opd/OPD\\_19990...](http://172.28.127.30:8082/ARMS/servlet/getEmailArchive?URL_PATH=/nlcp-2/Arms404/opd/OPD_19990...)

(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)  
\_\_\_\_\_ (Agency)  
\_\_\_\_\_ (Telephone)

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

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

Message Sent

To: \_\_\_\_\_  
justice.lrm @ usdoj.gov @ inet  
Barbara Chow/OMB/EOP  
Sandra Yamin/OMB/EOP  
Barry White/OMB/EOP  
Wayne Upshaw/OMB/EOP  
Wei-Min C. Wang/OMB/EOP  
Jonathan H. Schnur/OPD/EOP  
Tanya E. Martin/OPD/EOP  
Elena Kagan/OPD/EOP  
William H. White Jr./WHO/EOP  
Lynn G. Cutler/WHO/EOP  
Janet Murguia/WHO/EOP  
Daniel J. Chenok/OMB/EOP  
Daniel I. Werfel/OMB/EOP  
Robert G. Damus/OMB/EOP  
Rosalyn J. Rettman/OMB/EOP  
Peter Rundlet/WHO/EOP  
Pamula L. Simms/OMB/EOP  
Howard Dendurent/OMB/EOP  
Shelly A. McAllister/OMB/EOP  
Jeffrey L. Farrow/WHO/EOP  
Janet R. Forsgren/OMB/EOP  
James J. Jukes/OMB/EOP  
Constance J. Bowers/OMB/EOP  
Nancy J. Duykers/OMB/EOP

**Draft 3/9/99**

**TITLE V B PROMOTING EQUITY, EXCELLENCE, AND PUBLIC SCHOOL CHOICE  
RENAMING THE TITLE**

SEC. 501. The heading for Title V of the ESEA is amended to read as follows:  
ATITLE V -- PUBLIC SCHOOL CHOICE AND INNOVATION@.

**[THE NUMBER AND ORDER OF PROGRAMS UNDER THIS TITLE HAS NOT YET  
BEEN DETERMINED]**

**AMENDMENTS TO THE MAGNET SCHOOLS ASSISTANCE PROGRAM**

SEC. 502. (a) FINDINGS. Section 5101 of the ESEA is amended to read as follows:  
AFINDINGS

ASEC. 5101. The Congress finds as follows:

A(1) Magnet schools are a significant part of our Nation's effort to achieve voluntary desegregation in our Nation's schools.

A(2) It is in the national interest to desegregate and diversify those schools in our Nation that are racially, economically, linguistically, or ethnically segregated. Such segregation exists between minority and non-minority students as well as among students of different minority groups.

A(3) Desegregation can help increase rates of high school graduation and college attendance, and can promote better occupational prospects for students who have attended integrated schools.

A(4) Desegregation can provide students with valuable experience that prepares them to function in a diverse society and can help break down longstanding patterns of racial isolation in adult social relationships.

A(5) Despite ongoing desegregation efforts in the Nation --

A(A) almost one-third of our elementary and secondary schools continue to be schools with 50 percent or more minority students;

A(B) more than two-thirds of minority students attend schools with 50 percent or more minority students, and almost half of minority students attend schools with 75 percent or more minority students;

A(C) almost one-third of non-minority students attend schools with less than 10 percent minority students;

A(D) almost one-quarter of Black students attend schools with 90 percent or more Black students; and

A(E) almost one-third of Hispanic students attend schools with 75 percent or more Hispanic students.

A(6) Local educational agencies= use of magnet schools has increased dramatically since the of enactment of the Magnet Schools Assistance program, thus increasing public school options for the approximately two million students nationwide now attending such schools, of which more than 65 percent of the students are minority.

A(7) Magnet schools offer a wide range of distinctive programs that have served as models for school improvement efforts.

A(8) In administering the Magnet Schools Assistance program, the Federal Government has learned that--

A(A) where magnet programs are implemented for only a portion of a school's student body, special efforts must be made to discourage the isolation of--

A(i) magnet school students from other students in the school; and

A(ii) students by racial characteristics;

A(B) local educational agencies can maximize their effectiveness in achieving the purposes of the Magnet Schools Assistance program if they have more flexibility in the administration of the program in order to serve students attending a school who are not enrolled in the magnet program;

A(C) local educational agencies must be creative in designing magnet schools for students at all academic levels, so that those school do not serve only the highest-achieving students;

A(D) consistent with desegregation guidelines, local educational agencies must seek to enable participation in magnet school programs by students who reside in the neighborhoods where the programs operate;

A(E) in order to ensure that magnet schools are sustained after Federal funding ends, the Federal Government must assist school districts to improve their capacity to continue operating magnet schools at a high level of performance; and

A(F) magnet schools and interdistrict magnet programs have provided poor and minority students opportunities to succeed academically and continue with college or productive employment.

A(9) It is in the best interest of the Federal Government to--

A(A) continue Federal support of school districts implementing court-ordered desegregation plans and school districts seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of their education;

A(B) help ensure that all students have equitable access to high-quality education that will prepare them to function well in a culturally diverse, technologically oriented, and highly competitive global community; and

A(C) help maximize the ability of local educational agencies to plan, develop, implement and continue effective and innovative magnet schools that contribute to State and local systemic reform. @.

(b) PURPOSE. Section 5102(3) of the ESEA is amended to read as follows:

A(3) the development and design of innovative educational methods and practices that promote diversity and increase choices in public elementary and secondary schools and educational programs; and @.

(c) APPLICATION REQUIREMENTS. Section 5106(b)(1)(D) of the ESEA is amended by--

(1) striking out Aunder this Act, the Goals 2000: Educate America Act, @ and inserting in lieu thereof Aunder this Act, @; and

(2) striking out Asection 14306 @ and inserting in lieu thereof Asection 14307 @.

(d) PRIORITY. Section 5107 of the ESEA is amendedC

(1) by striking out paragraphs (1) and (5);

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and

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

A(4) propose activities, which may include professional development, that will build local

capacity to operate the magnet program once Federal assistance has ended. @.

(e) USES OF FUNDS. Section 5108(a) of the ESEA is amended C

(1) by amending paragraph (3) to read as follows:

"(3) for the payment, or subsidization of the compensation, of--

"(A) elementary and secondary school teachers who are certified or licensed by the State; and

"(B) instructional staff who have--

"(i) expertise and professional skills necessary for the conduct of programs in magnet schools; or

"(ii) a baccalaureate degree, an equivalent degree, or who demonstrate knowledge, experience, or skills in the relevant field of expertise;";

(2) in paragraph (4), by striking out the period and inserting in lieu thereof a semicolon and A and @; and

(3) by adding a new paragraph (5) to read as follows:

A(5) for activities, which may include professional development, that will build the applicant=s capacity to operate the magnet program once Federal assistance has ended. @ .

(f) REPEAL. Section 5111 of the ESEA is repealed.

(g) EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION. Section 5112 of the ESEA is C

(1) redesignated as section 5111; and

(2) amended, as redesignated, to read as follows:

EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION

ASEC. 5111. The Secretary may reserve not more than five percent of the funds appropriated under section 5112(a) for any fiscal year C

A(1) for evaluations of magnet school programs assisted under this part, which, at a minimum, shall address C

A(A) how, and the extent to which, magnet school programs lead to high educational quality and improvement;

A(B) the extent to which magnet school programs enhance student access to high-quality education;

A(C) the extent to which magnet school programs lead to the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority students;

A(D) the extent to which magnet school programs differ from other school programs in terms of organizational characteristics and resource allocations; and

A(E) the extent to which magnet school programs continue once grant assistance under this part ends;

A(2) to provide technical assistance to applicants and grantees; and

A(3) to collect and disseminate information on successful magnet school programs. @.

(h) AUTHORIZATION OF APPROPRIATIONS.--(1) Section 5113(a) of the ESEA is amended to read as follows C

A(a) AUTHORIZATION.--(1) For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years. @.

(2) Section 5113 of the ESEA, as amended by paragraph (1), is redesignated as section 5112.

## REPEAL AND REDESIGNATIONS

### [CROSS REFERENCES DUE TO CHANGES WILL HAVE TO BE ADDED LATER]

SEC. 503 (a) REPEAL. Part C of Title V of the ESEA is repealed.

(b) REDESIGNATION OF THE WOMAN=S EDUCATIONAL EQUITY PROGRAM.

(1) Part B of Title V of the ESEA is redesignated as Part D.

(2) Sections 5201 through 5208 of the ESEA are redesignated as sections 5401 through 5408, respectively.

(3) Section 5408, so redesignated, is amended to read as follows:

### AAUTHORIZATION OF APPROPRIATIONS

ASEC. 5408. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years, of which not less than two-thirds of the amount appropriated under this section for each fiscal year shall be available to carry out the activities described in section 5403(b)(1).@. **[WEA UNFINISHED, UPDATES AND MINOR PROGRAM CHANGES ARE ANTICIPATED.]**

(c) REDESIGNATION OF THE PUBLIC CHARTER SCHOOLS PROGRAM.

(1) Part C of Title X of the ESEA is redesignated as Part B of title V of the ESEA.

(2) The heading for Part C of Title X of the ESEA is amended to read as follows:

### APART B -- PUBLIC CHARTER SCHOOLS@.

(2) Sections 10301 through 10311 of the ESEA are redesignated as sections 5201 through 5211 of title V of the ESEA, respectively.

### PUBLIC SCHOOL CHOICE PROGRAM

SEC. 504 Title V of the ESEA is further amended by adding a new Part C to read as follows:

### APART C-- PUBLIC SCHOOL CHOICE PROGRAM

#### AFINDINGS; PURPOSE

ASEC. 5301. (a) FINDINGS. The Congress finds that--

A(1) a wide variety of educational opportunities and options in public school system is needed to help all children achieve to high standards;

A(2) high-quality public school choice programs that are genuinely open and accessible to all students (including poor, minority, limited English proficient, and disabled students) broaden educational opportunities and promote excellence in education;

A(3) current research shows that--

A(A) students learn in different ways, benefiting from different teaching methods and instructional settings; and

A(B) family involvement in a child=s education (such as helping choose what courses to take) is a key factor supporting student achievement;

A(4) public school systems have begun to develop a variety of innovative programs that offer expanded choices to parents and students; and

A(5) the Federal Government should support and expand on these efforts to give students and parents the high-quality public school choices they seek, to help eliminate barriers to effective public school choice, and to disseminate the lessons learned from high-quality choice programs so that all public schools can benefit from these efforts.

A(b) PURPOSE. It is the purpose of this part to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, evaluation of, and dissemination of information about, public school

choice projects that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

#### AGRANTS

ASEC. 5302. (a) IN GENERAL. From funds appropriated under section 5305(a) and not reserved under section 5305(b), the Secretary shall make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice.

A(b) DURATION. Grants under this part shall not exceed three years.

#### AUSES OF FUNDS

ASEC. 5303. (a) USES OF FUNDS. (1) Funds under this part may be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to broaden public school choice, including the design and development of new public school choice options, the development of new strategies for overcoming barriers to effective public school choice, and the design and development of public school choice systems that promote high standards for all students and the continuous improvement of all public schools.

A(2) Examples of such approaches at the school, district, and State levels areC

A(A) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools;

A(B) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions; and

A(C) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit;

A(D) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' place of employment; and

A(E) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

A(b) LIMITATIONS. Funds under this part shall--

A(1) supplement, and not supplant, non-federal funds expended for existing programs;

A(2) not be used for transportation; and

A(3) not be used to fund projects that are specifically authorized under Parts A and B of this title.

#### AGRANT APPLICATION; PREFERENCES

"SEC. 5304. (a) APPLICATION REQUIRED. A State or local educational agency desiring to receive a grant under this part shall submit an application to the Secretary, in such form and containing such information, as the Secretary may require.

"(b) APPLICATION CONTENTS. Each application shall includeC

"(1) a description of the program for which funds are sought and the goals for such program;

"(2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-federal projects;

"(3) if the program includes partners, the name of each partner and a description of its responsibilities;

A(4) a description of the policies and procedures the applicant will use to ensure--

A(A) its accountability for results, including its goals and performance indicators;

and

A(B) that the program is open and accessible to, and will promote high-academic standards for, all students.

A(c) SPECIAL CONSIDERATION. The Secretary is authorized to give special consideration to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

#### "AUTHORIZATION OF APPROPRIATIONS

"SEC. 5305. (a) AUTHORIZATION OF APPROPRIATION. For the purpose of carrying out this part, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2001 through 2005.

"(b) RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, AND DISSEMINATION. From the amount appropriated under subsection (a) for any fiscal year, the Secretary may reserve not more than five percent to carry out evaluations under subsection (c), to provide technical assistance, and to disseminate information.

A(c) EVALUATIONS. The Secretary may use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part, which shall, at a minimum, addressC

A(1) how and the extent to which the programs supported with funds under this part promote educational equity and excellence; and

A(2) the extent to which public schools of choice supported with funds under this part areC

A(A) held accountable to the public;

A(B) effective in improving public education; and

A(C) open and accessible to all students.@.

###

**Draft 3/9/99**

**TITLE V B PROMOTING EQUITY, EXCELLENCE, AND PUBLIC SCHOOL CHOICE**

**Section-by-Section Analysis**

Among other things, new title V of [NAME OF BILL] would: (1) improve the Magnet Schools Assistance program by adding emphasis on projects that consider the diversity of the student populations and that have the capacity to continue after the Federal grant has run out; (2) move Charter Schools, from Part C of Title X of the ESEA, to Part B of Title V of the ESEA; (3) add a new initiative, Public Choice School, that would provide a flexible authority to support State and local educational agencies in experimenting with different kinds of public elementary and secondary schools, such as worksite and College-based schools; (4) reauthorize the Woman=s Educational Equity program, but move it to Part [-] of the Title V of the ESEA; and (5) repeal the Assistance to Address School Dropout Problems program, currently in Part C of Title V of the ESEA. Each of the new title V programs would be reauthorized for five years. **[THERE ARE LIKELY TO BE OTHER PROGRAMS REAUTHORIZED, LIKE FIE, THAT WILL GO INTO THIS TITLE.]**

Magnet School Assistance:

Section 501. Section 501 of the bill, ARenaming the Title,@ would change the name of title V of the ESEA to APromoting Equity, Excellence, and Public School Choice@.

Section 502. Section 502 of the bill would amend Part A , the AMagnet School Assistance Program,@ of Title V of the ESEA. Section 502 (a) of the bill would make editorial changes to, and update, section 5101 of the ESEA, the findings for the Magnet School Assistance Program.

Section 502(b) of the bill would amend section 5102(3) of the ESEA, AStatement of Purpose,@ to clarify that the purpose of providing financial assistance to develop and design innovative educational methods and practices is to promote diversity and increase choices in public elementary and secondary schools and educational programs.

Section 502(c) of the bill would amend section 5106(b)(1)(D) of the ESEA, AInformation and Assurances@ (a part of the application requirements), to eliminate reference to the Goals 2000: Educate America Act and to correct a section number.

Section 502(d) of the bill would amend section 5107 of the ESEA, APriority,@ to eliminate the current priorities for greatest need and new, or significantly revised, projects. These priorities are not well defined and have not helped to determine which grant applications are most deserving. Section 502(d) would also add a new priority for projects that propose activities, which may include professional development, that will build local capacity to operate the magnet program once Federal assistance has ended.

Section 502(e) of the bill would amend section 5108(a) of the ESEA, AUses of Funds,@ to: (1) revise paragraph (3) to allow for the payment , or subsidization of the compensation, of elementary and secondary school teachers who are certified or licensed by the State, and instructional staff who have expertise and professional skills necessary for the conduct of programs in magnet schools or a baccalaureate degree, an equivalent degree, or who demonstrate knowledge, experience, or skills in the relevant field of expertise; and (2) allow grantees to use funds for activities, including professional development, that will build the applicant=s capacity to operate the magnet program once Federal assistance has ended.

Section 502(f) of the bill would repeal section 5111 of the ESEA, AInnovative Programs@. This program is limited by the requirements of Part A; its activities are subsumed under the new Public School Choice program.

Section 502(g) of the bill would redesignate current section 5112 of the ESEA, AEvaluation, Technical Assistance, and Dissemination@, as section 5111, and incorporate its requirements into a new section, ANational Activities@, that would authorize the Secretary to reserve not more than five percent (rather than two percent) of appropriated funds in any fiscal year to evaluate the program, as well as provide technical assistance to applicants and grantees and collect and disseminate information on successful magnet school programs. Section 502(g) of the bill would also require each evaluation, in addition to current items, to address the extent to which magnet school programs continue once grant assistance under this part ends.

Section 502(h) of the bill would amend section 5113(a) of the ESEA, AAuthorization@, to authorize such sums as may be necessary for fiscal year 2001 and for each of the four succeeding fiscal years to be appropriated to carry out the part. Section 501(h) of the bill would also redesignate section 5113 as section 5112.

Assistance to Address School Dropout Problems: [FINAL SPECIFICATIONS FOR SECTION 503(a) HAVE NOT BEEN RECEIVED; REPEAL IS ANTICIPATED.]

Woman=s Educational Equity Act of 1994: [FINAL SPECIFICATIONS FOR SECTION 503(b) HAVE NOT BEEN RECEIVED; REAUTHORIZATION AND MINOR UPDATING OF THE PROGRAM IS ANTICIPATED.]

Redesignation of the Public Charter Schools Program:

Section 503(c) of the bill would redesignate the Public Charter Schools Program, which is currently Part C of Title X of the ESEA, as Part B of title V of the ESEA. Section 502(c) would also make necessary conforming changes to carry out the redesignation.

Public School Choice Program:

Section 504 of the bill would amend title V of the ESEA to add a new Part C, **Public School Choice Program**, that would authorize a flexible, competitive grant program to help State and local agencies provide innovative, high-quality public school choice programs.

New section 5301 of the ESEA would set forth the findings of the new part and state that its purpose is to identify and support innovative approaches to high-quality public school choice by providing financial assistance for the demonstration, development, implementation, evaluation of, and dissemination of information about public school choice projects that stimulate educational innovation for all public schools and contribute to standards-based school reform efforts.

New section 5302(a) of the ESEA would authorize the Secretary, from funds appropriated under section 5305(a) and not reserved under section 5305(b), to make grants to State and local educational agencies to support programs that promote innovative approaches to high-quality public school choice. New section 5301(b) of the ESEA would prohibit grants under this part from exceeding three years.

New section 5303(a) of the ESEA would authorize funds under the part to be used to demonstrate, develop, implement, evaluate, and disseminate information on innovative approaches to broaden public school choice. Examples of such approaches at the school, district, and State levels would be: (1) inter-district approaches to public school choice, including approaches that increase equal access to high-quality educational programs and diversity in schools; (2) public elementary and secondary programs that involve partnerships with institutions of higher education and that are located on the campuses of those institutions; (3) programs that allow students in public secondary schools to enroll in postsecondary courses and to receive both secondary and postsecondary academic credit; (4) worksite satellite schools, in which State or local educational agencies form partnerships with public or private employers, to create public schools at parents' place of employment; and (5) approaches to school desegregation that provide students and parents choice through strategies other than magnet schools.

New section 5303(b) of the ESEA would require that funds under this part: (1) supplement, and not supplant, non-federal funds expended for existing programs; (2) not be used for transportation; and (3) not be used to fund projects that are specifically authorized under Parts A and B of this title.

New section 5304(a) of the ESEA would require a State or local educational agency desiring to receive a grant under this part to submit an application to the Secretary, in such form and containing such information, as the Secretary may require. Each application would be required to include: (1) a description of the program for which funds are sought and the goals for such program; (2) a description of how the program funded under this part will be coordinated with, and will complement and enhance, programs under other related Federal and non-federal projects; (3) if the program includes partners, the name of each partner and a description of its responsibilities; (4) a description of the policies and procedures the applicant will use to ensure its

accountability for results, including its goals and performance indicators, and that the program is open and accessible to, and will promote high-academic standards for, all students. The Secretary would be authorized to give special consideration to applications demonstrating that the applicant will carry out its project in partnership with one or more public and private agencies, organizations, and institutions, including institutions of higher education and public and private employers.

New section 5305(a) of the ESEA would authorize such sums as may be necessary for each of the fiscal years 2001 through 2001 to be appropriated to carry out the part. Section 5305(b) of the ESEA would, from amounts appropriated for any fiscal year, authorize the Secretary to reserve not more than five percent to carry out evaluations, provide technical assistance, and disseminate information. Section 5305(c) would authorize the Secretary to use funds reserved under subsection (b) to carry out one or more evaluations of programs assisted under this part. Those evaluations would, at a minimum, address: (1) how and the extent to which the programs supported with funds under the part promote educational equity and excellence; and (2) the extent to which public schools of choice supported with funds under the part are held accountable to the public, effective in improving public education, and open and accessible to all students.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 19:52:28.00

SUBJECT: Re: nice job

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

TEXT:  
Thank YOU

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 15:28:42.00

SUBJECT: Draft of Native American chapter for the race book

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

TEXT:  
please print

----- Forwarded by Elena Kagan/OPD/EOP on 03/10/99 03:30  
PM -----

Mary L. Smith  
03/10/99 03:25:13 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP  
cc: Laura Emmett/WHO/EOP, Thomas L. Freedman/OPD/EOP  
Subject: Draft of Native American chapter for the race book

Chris Edley asked if I could put together a section of the President's race book on Native Americans. Attached is: (1) a short section for the beginning of the book that sets forth a little background on tribal sovereignty and (2) a longer piece that sets forth three policy proposals.

The policy proposals are: (1) an educational mentoring program and record-keeping system for Native American children; (2) a community-based law enforcement initiative; and (3) a broad-based economic development initiative that focuses on creating an entrepreneurial culture, providing access to capital, encouraging homeownership, and investing in technology infrastructure.

I given the draft to Tanya, Jose, and NEC to review their various sections. I expect to fill in a few statistics and do some minor editing in the next day or so, but no major revisions. I was going to give a final to Edley on Friday unless you had a problem with it. Thanks,  
Mary

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

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## Part IV: The Opportunity We Deserve

### 6. Creating Opportunities for Native Americans

#### INTRODUCTION

In 1994, I held a historic meeting at the White House with American Indian and Alaska Native tribal leaders from the over 500 federally recognized tribes. I was the first sitting President to do so. I hope I will not be the last. Native Americans occupy a special place spiritually, culturally, and historically in America. These people harvested the earth, swam in the rivers, and enjoyed the bounty across this beautiful land we now call America. Our ancestors oppressed and brutalized these people, deprived them of their lands, and denied them opportunities. But they could not break their spirit. In 1998, I had the pleasure of hosting a White House conference on economic development in Indian country. There I met a young man named Dominic Ortiz from the Prairie Band Potawatomi Nation who attended one of the tribal colleges and has his own business selling American Indian jewelry. Dominic embodies the entrepreneurial spirit upon which this country was built. Just as Dominic created his own future, we must embark on a new era where Native Americans determine their own future through their own acts and decisions.

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Before Europeans landed on America's shores, Indian nations were self-governing societies with remarkable scientific, artistic, and cultural achievements. American Indians and Alaska Natives are much more than colorful characters in our Nation's distant past, however. The 554 federally-recognized tribal governments are a permanent part of the political structure of our Nation. Since the founding of our nation, the United States has recognized many Indian tribes as "domestic dependent nations" with sovereign powers over their members and territory and has entered into numerous treaties with various tribes pledging protection and guaranteeing tribal self-government. This is why American Indians are not simply another minority or racial grouping.

In 1831, Chief Justice John Marshall stated that the "Federal Indian relationship is characterized by peculiar and cardinal distinctions that exist no where else."<sup>vi</sup> Marshall was referring to the special trust relationship that has existed between the United States and Indian tribes since the birth of our nation. **It is manifested in treaties, agreements, court decisions, statutes, executive orders, and in the overall course of dealings between the federal and tribal governments. These Executive, Legislative, and Judicial actions charge the United States Government with legal and moral obligations of the highest responsibility and trust toward Indian Tribes. Under federal law, the United States has a legally enforceable fiduciary responsibility to protect tribal lands, assets, resources, treaty rights as well as a**

**general obligation to fulfill the mandates of federal laws with respect to American Indians and Alaska Natives.**

Regrettably, our nation has not always lived up to these legal and moral ideals. Between 1778 and 1871, when the last treaty was signed, Indian tribes ceded almost one billion acres of land to the United States. In return, Indians generally retained inalienable and tax-exempt lands for themselves, and the Federal government pledged to provide such public services as law enforcement, education, medical care, and technical and agricultural training. All too frequently, these solemn promises made to the tribes have been broken. Our failure to invest sufficient resources to meet these obligations has hindered the social and economic advancement of Native Americans and has produced economic conditions on many reservations more analogous to those of third-world nations than of communities in America's heartland.

We are living in a time of great prosperity and hope. Our economy is the strongest in a generation. For the first time in three decades, the budget is balanced. There are nearly 18 million new jobs, wages are rising at more than twice the rate of inflation, home ownership is at its highest rate in history, and unemployment is at its lowest in almost thirty years.<sup>ii</sup>

For many Native Americans, the picture is quite different. The stark beauty of the vast plains of the Pine Ridge Reservation in South Dakota contrasts with the harsh existence of the people who live there. There is no poorer place in America. Housing is scarce, overcrowded, and often lacking indoor plumbing, electricity, or telephones. There is no industry, no factories, and no technology. Two of every three adults living on the reservation are out of work.<sup>iii</sup> The average life expectancy for the Oglala Sioux men who live there is 56.5 years, and for women, it is 66 years.<sup>iv</sup> Similar conditions exist on reservations across our nation where the lack of paved roads, access to electrical power, telephone lines, and other physical infrastructure serve as major barriers to economic development.

We must bear in mind, however, that our nation often has pursued policies that have undermined the capacity of tribal governments to advance the social, economic, and institutional development of tribal communities. As well-intended as these policies may have been in the minds of those promoting them, efforts to coerce the assimilation of Native Americans served largely to weaken and destabilize the very institutions best-suited to serve the community -- tribal governments. The time has come to break decisively with the past and stop trying to impose conditions on tribes. As reflected in my executive order on tribal consultation, we must work with tribes on a government-to-government basis, recognizing their ability to steer their own course and set their own priorities.

Economic and business development is clearly a top priority in virtually every tribal community. Even though **economic conditions in Indian country have improved in recent years, American Indian and Alaska Native communities continue to lag behind the rest of the United States with respect to social, economic, and educational attainment levels. Income levels of American Indians and Alaska Natives are substantially below those of all**

other Americans, and about 34 percent continue to live below the poverty level. In comparison, the national poverty level is about 14 percent.<sup>v</sup> Complicating factors such as geographical isolation, under developed infrastructures, and demographics, add to the challenges confronting tribes as they work toward a better standard of living and quality of life for tribal peoples.

As the new millennium dawns, there is reason to be hopeful, however. A small, but significant number of tribes have succeeded in reducing poverty and unemployment through the aggressive pursuit of new economic activities. Tribal gaming operations have produced the most dramatic success stories. What began with a handful of tribal bingo halls in the early 1980s has grown into an estimated \$6 billion a year for the one-third of the Nation's 554 tribes that operate some form of gaming.<sup>vi</sup> The revenues from gaming have allowed some tribes to pursue aggressive economic development strategies such as starting new business enterprises, investing in infrastructure, and building concert halls, sports arenas, and golf courses. Gaming tribes are viewing the revenues from gaming as the key to improving the lives of each of its members as well as enriching the entire community.

As lucrative as it has been for some tribes, gaming is not a panacea for every tribe. Only \_\_\_ tribes have established gaming, and of those, only \_\_\_ tribes earn significant profits. Revenues from the development of natural resources such as timber, minerals, and oil and gas remain by far the largest source of income for tribal governments, and farming and ranching continues as a way of life for many reservations residents. On the other hand, the mere fact that numerous tribes have achieved a significant, sometimes dramatic, measure of success appears to have stimulated a growing sense of optimism throughout Indian Country.

Finally, while it is difficult for those in poor, minority communities to secure business loans or mortgages, in Indian Country, it is virtually impossible. Conventional approaches to resolving this situation are problematic on reservations and other Indian trust lands because of the peculiar legal status of such lands, particularly in the case of mortgages. Reservation land is owned by the federal government and held in trust on behalf of tribes. This trust status and legal protection is extremely important from the perspective of Indian landowners, but there are trade-offs. Banks are extremely reluctant to make loans without collateral or the ability to foreclose on a property in the event of a default. To extend the availability of loans for homes on Indian trust lands without breaching the trust doctrine, the Departments of Housing and Urban Development, Agriculture, and Veteran's Affairs have authority to issue government-insured loans. The process, however, is complex and time-consuming requiring coordination between at least two separate federal agencies.

**I believe that every American should have the opportunity to own their own home. That is why as part of the first-ever White House Conference, Building Economic Self-Determination in Indian Communities," I announced that a One-Stop Mortgage Center Initiative to streamline lending procedures and coordinate federal agencies involved in providing mortgages on reservations.**

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One of the keys to economic development is education. Education provides a solid foundation for succeeding later in life. It is critically important that American Indian and Alaska Native students receive the same educational opportunities that are available to other students as these children are the future for their tribes and their communities. The Native American population is young -- thirty-nine percent of the American Indian population was under 20 years old in 1990, compared with 29 percent of the Nation's total population.<sup>vii</sup> We must ensure that these future generations, descendants of the great warriors such as Sitting Bull and Crazy Horse, are able to forge successful lives, whether on or off the reservation.

Elementary and secondary education is normally thought of as the domain of state governments, but, out of this trust responsibility, the United States is responsible for two school systems, one serving the children of military personnel and the other serving the children of tribal communities. Of the 185 BIA-funded elementary and secondary schools on reservations today, two-thirds of the buildings are over 30 years old, and more than a quarter are over 50 years old.<sup>viii</sup> I have made education one of the top priorities of my Administration. I have challenged the public schools of this country to hire better teachers, to become more accountable, to fund school construction to fix crumbling buildings, and to wire every classroom to the Internet. These same challenges are even more apparent for the BIA-funded schools. With buildings crumbling and decaying, it is nearly impossible to wire these classrooms to 21st century technology. It would be a grave injustice to fail these children to whom we have a special obligation to prepare for the future. For this reason, I have proposed substantial increases in funding for school construction and repair for these schools.

Although we must work to improve the BIA-funded schools, we must also work to ensure that the public school system serves American Indian children. Just as in the rest of the population, almost 90 percent of American Indian children attend state public schools, while only about 10 percent attend the BIA-funded schools.<sup>ix</sup> These children face unique challenges. Over 50 percent of American Indian fourth-graders scored below the basic level in reading and mathematics.<sup>x</sup>

We cannot concentrate only on improving elementary and secondary education for Native American students. We must make a college education a reality for each and every American Indian child. Less than two-thirds of Native Americans are high school graduates compared with 75 percent of the rest of the population, and less than 10 percent of Native Americans have bachelor's degrees compared with 20 percent of the total population.<sup>xi</sup> I have fully supported this country's 31 **check** tribal colleges. These institutions, located directly in Indian communities, provide the chance for a college education to students who do not have the funds to attend more expensive private schools or the means to leave their families behind to attend schools that are hours away. The American Indian Higher Education Consortium reports that of the 42 percent of

tribal college graduates who transfer to a mainstream institution, 90 percent obtain bachelor's degrees. Other studies show that only 30 percent of Native Americans who enter mainstream institutions as freshman graduate.<sup>xii</sup>

Finally, the cultures of American Indian tribes is a rich part of the heritage of this country. The maintaining of Native languages and cultures is critical. Yet, there is an alarming decline in the use of Native languages indigenous to the United States. In 1969, there were 300 separate languages still being spoken. In 1996, that number had dropped to 206.<sup>xiii</sup>

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Competing images of reservations usually come to mind: either the dusty roads and ramshackle buildings which are home to the poverty- and disease-stricken people who live there or the vast beauty of blue-sky country juxtaposed with snow-capped mountains, grassy plains, or orange-hued canyons. Between these two extremes lies a more complicated reality. Just as the blight is being tempered with signs of a burgeoning economic renaissance, the natural beauty of many reservations camouflages an ever-worsening crime problem. Inner-city, minority communities have gotten most of the media attention for their gun violence and murder rates. While the population density fuels incidents of violence in inner cities, the very vastness and remoteness of many reservations also facilitates crimes.

Although violent crime has been declining nationally for several years, it has been on the rise in Indian country. Recently, the Department of Justice, in its first comprehensive analysis of Indians and crime, reported that American Indians are victims of violent crimes at more than twice the rate of the rest of the country.<sup>xiv</sup> In contrast to the rest of the country, where nine out of every ten murders involve victims and offenders of the same race,<sup>xv</sup> about seven in ten violent victimizations of American Indians involved an offender who was of a different race. Use of alcohol was a major factor in violent crimes involving American Indians. American Indian victims reported a drinking offender in 46 percent of all violent victimizations, such as rape, sexual assaults, robberies, and other assaults, about 70 percent of jailed American Indians convicted for violence reported that they had been drinking at the time of the offense.<sup>xvi</sup>

Gangs are no longer only the province of inner cities. Youth gangs are becoming more prevalent in Indian country. While some of the conditions which lead to gangs elsewhere such as extreme and pervasive poverty, lack of role models, and limited opportunities probably overlap, we should explore why this disturbing condition is becoming more and more prevalent.

Indian communities often have other unique law enforcement problems. While soaring homicide rates have shortened life expectancy for black men in urban areas, the death toll on reservations often results from motor vehicle accidents and suicides. Suicide is the ninth leading cause of death of American Indians nationwide.<sup>xvii</sup> Car crashes are the third leading cause of death on Indian reservations, and alcohol is often involved.<sup>xviii</sup>

Part of the problem is clearly a lack of police officers and other law enforcement resources. While there are 2.9 police officers per 1,000 citizens in non-Indian communities with populations of less than 10,000, there are only 1.3 officers per 1,000 citizens on Indian reservations.<sup>xix</sup> There are only 1,600 BIA police and uniformed tribal officers patrolling 56 million acres of Indian lands in the lower 48 states, protecting more than 1.4 million residents. By contrast, 3,600 police officers protect the 540,000 residents of our Nation's capital on \_\_\_\_\_ acres.<sup>xx</sup> In addition, departments often are so woefully under funded that patrol cars are most likely to be 10 years old, with the odometer showing more than the 60,000 miles that federal regulations say should be the maximum. Most Indian police are armed with old six-shot revolvers instead of the semiautomatic weapons that most other police departments have, and most officers do not have bullet-proof vests.

However, a large part of the problem is the geographic isolation and the vastness of the area to be covered. Many officers must drive hundreds and hundreds of miles to assist other officers. The Navajo Nation alone is 26,500 square miles. It is incomprehensible that a police officer must venture alone, out manned and outgunned, into an immense wilderness, not knowing whether this day of duty will be his last. Like many others in poor, minority communities, many American Indians have lost faith in the criminal justice system. There is a perception that the federal government has turned its back on helping to protect these communities.

In order to make Indian people feel safe in their homes and in their communities and to restore some trust and confidence in law enforcement, I have made law enforcement in Indian country a priority. Since 1995, the Justice Department's Office of Community Oriented Policing Services has awarded \$67,787,443 through 395 grants to 187 Indian tribes and Alaska Native villages. These grants have funded the salary and benefits for 906 police officers in Indian Country. In 1997, I directed the Attorney General and the Secretary of the Interior to collaborate on a plan for a new organizational structure for Indian law enforcement that streamlines budgeting and identifies manpower needs. In addition, I asked Congress for a significant increase in funding for law enforcement and public safety in Indian Country, including funds for new tribal police, detention facilities, juvenile justice programs, and tribal courts, as well as additional FBI agents and Bureau of Indian Affairs officers, so that we might dramatically improve public safety in Indian Country.

In this first year of the Interior and Justice Departments' joint law enforcement initiative, we will significantly increase federal law enforcement resources in Indian Country, through deployment of 30 additional FBI agents, 32 new BIA criminal investigators, and over 200 new BIA police officers, detention officers, and radio dispatchers. In addition, through the COPS program, we will give tribal government a flexible menu of options so that they can meet their areas of greatest need by hiring new, fully trained and equipped community police officers or by equipping and training the officers that they currently have. While significantly increasing the number of law enforcement officials in Indian Country, we will also make certain that our focus remains on saving tribal youth from becoming involved in the criminal justice system through prevention programs, especially those that focus on alcohol and drugs.

In the balance of this chapter, I offer a work plan which focuses on three important issues for American Indians: education, economic development, and crime. I will first propose how the federal government can provide leadership on each of these issues and then will outline how the entire nation working together can make progress in each of these areas.

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**Centerpieces of the Federal Work plan:  
(1) Comprehensive Educational Mentoring and Record Tracking  
for Native American Students**

For many years, the federal government has focused its efforts on Indian education primarily in the areas of funding and operating the 185? BIA schools and providing Impact Aid to school districts where a large portion of their tax based is comprised of trust land which is tax-exempt. We have made some progress. In keeping with the stated policy of tribal self-determination and self-governance, more than \_\_\_ of the BIA-funded schools are now owned or operated by Tribes. **Check** However, there is much work left to do.

Education has been one of the touchstones of my Administration. I have fought to improve the education of this Nation's children by improving their reading and math, lowering class size, recruiting outstanding new teachers, ending social promotion, and providing accountability for failing schools. In setting forth initiatives to accomplish each of these goals, I have sought to ensure that Native American students benefit from these reforms. I fought to help local school districts hire 100,000 well-prepared teachers in order to reduce class size in grades 1-3 to a national average of 18, and make sure that every child gets a solid foundation in the basics. Studies show that smaller classes help teachers provide more personal attention to students helping students learn more and build a stronger foundation in basic skills. In these studies, minority and disadvantaged students showed the largest achievement gains. To ensure that American Indian children in the BIA-funded schools were able to reap the benefit of smaller class sizes, there is a set-aside to target funds in order recruit, hire and train teachers in these schools.

Students cannot learn in buildings where there are crumbling walls, chipping paint, leaky roofs, and inadequate heating systems. School buildings represent the nation's most pressing infrastructure need.<sup>xxi</sup> To address this critical need, I proposed federal tax credits as incentives to help states and school districts to build and renovate public schools, with one-half of the bonding authority allocated to the 100 school districts with the largest number of low-income children. This bonding authority is a powerful tool which permits the leveraging of local resources to build new schools and make much needed repairs to older schools. Traditionally, tribes have been denied this tool in order to repair and replace schools on the reservations. For the first time, I have proposed bonding authority for tribes with a mechanism to ensure principal repayment.

This authority will empower the Tribes to make significant changes in their communities.

I also signed an executive order that is designed to improve the academic performance of American Indian and Alaska Native students in grades K-12. This executive order institutionalizes a process to ensure that there is strategic planning with respect to Native American students. As one of the first activities that grew out of the strategic planning process, I proposed to begin training and recruiting of 1000 new teachers for areas with high concentrations of American Indian and Alaska Native students. This initiative provides financial assistance to individual student, increases capacity building to create programs to train teachers, and allows for continuing education to ensure that the quality of teachers remains high.

While these proposals are a good start, we need to make sure that obtaining a college education becomes a reality for every American Indian student. Only two-thirds of Native American students successfully complete high school --far fewer than other students.<sup>xxii</sup> My Comprehensive Educational Mentoring and Record Tracking for Native American Students seeks to make the dream of a college education a reality for these students:

- There is a unique problem for many Native American students in that they shuttle between the BIA-funded schools and public schools near the reservation. This transferring of schools interrupts the educational process and causes students to keep from advancing at the rate at which they should. Teachers also are not able to adequately assess a particular child's skill levels because part of his or her record is in one school and the rest of it is in one or, in some cases, several other schools. Currently, we do not keep statistics on this phenomenon. I propose that we keep statistics on the number of American Indians students who interrupt their education by transferring between BIA-funded and public school systems. We should also conduct research on the consequences of this activity. Finally, we should seek to construct a system where a complete record of a student's progress is kept in a single location.
- We need to ensure community involvement in the education of American Indian students. An important part of achieving the goal of a college education is ensuring that these students and receive mentoring or tutoring on a regular basis. These tutors could be either older students, senior citizens, or other adults in the community. These students should have mentors that help them as they advance from grade to grade and ensure that they are on track of entering college. This new mentoring program should cooperate with Americorps and the National Senior Service Corps.
- We should seek to preserve Native American culture and language. Just as the tribal colleges construct themselves to reflect tribal culture, a part of this proposal is to create groups of students who are assigned to a tribal elder to help support their educational activities. Without recognizing and preserving their culture, these students often are disenfranchised because they do not have any role models. These elders will serve this function by providing guidance and a positive influence to students, as well as teach them about tribal history, language, arts, and culture, on their road to a college education.

By keeping tracking of these American Indian students and by providing a two-tier mentoring system, we can vastly improve the chances that these students will be better equipped to obtain a college degree.

## **(2) Model Community Initiative for Encouraging Economic Development**

There is simply no excuse that many communities in Indian country face conditions often worse than many third-world countries. I propose a Model Community Initiative to Encourage Economic Development in Indian Country. The Federal Government's efforts should support and encourage efforts which help American Indians develop their economic infrastructure. This proposal should focus on the following:

- **Creating an Entrepreneurial Culture.** On the dawn of the 21st century, entrepreneurship and small businesses are playing a major role in the restructuring of the U.S. economy and in creating jobs. We must work with Indian country to find ways to capitalize on the strengths of small and medium-sized businesses in order to diversify their economies. We should provide the tools and work with Tribes to nurture home-grown firms, encourage innovation and risk-taking, and enhance investment in new businesses.
- **Providing Access to Capital.** Finding the start-up money for new businesses and new building is a daunting task. I am proud that the Community Development Financial Institutions (CDFI) Fund, which works alongside mainstream institutions in expanding access to capital in low-income communities, has begun several successful activities in Indian Country. For instance, the Fund has invested in First American Credit Union, which provides basic financial services to 15,000 Native Americans throughout Arizona and parts of New Mexico and Utah, helping leverage capital to support small agricultural and Native American craft businesses. The CDFI Fund is also in the process of conducting a study on lending and investment practices on Indian reservations and other land held in trust by the United States. This study will identify barriers to private financing on such lands and identify the impact of such barriers on access to capital and credit for Native American populations. As the result of this study, the Fund will develop an Action Plan to create new incentives for financing in Indian Country. In the meantime, I have made providing equity capital to new markets a priority with my "New Markets Initiative." This initiative will help Indian Country with initiatives such as tax credits, Small Business Investment Companies (SBICs), and BusinessLINC, which helps link larger businesses to smaller firms. Finally, with the Round II of the Empowerment Zones (EZs) and Enterprise Communities (ECs), Indian lands became eligible with the result that one reservation, Pine Ridge, was designated as an EZ and four were designated as Ecs. Under these programs, the federal government provides tax benefits for businesses, flexible grants to carry out comprehensive revitalization strategies, and the ability to apply for waivers from federal programs enabling local communities to better address

their particular needs.

- **Encourage Homeownership.** We must all work together to ensure that the dream of owning of home becomes a reality in Indian Country. HUD, in close cooperation with tribal leaders across the country, is working to create a national housing model called “Shared Visions” to build and renovate affordable housing on tribal lands and to help more Native Americans become homeowners. This model strives to increase the number of affordable, quality homes and to make it easier for Native Americans to obtain mortgages by encouraging private sector partnerships, streamlining federal regulations, and improving coordination among federal agencies and tribes. As part of the project, a nonprofit will be established to provide financial help, low-cost financing, down payment assistance, and homeownership counseling.
- **Invest in Technology Infrastructure.** Many places on reservations do not have telephones, computers, or Internet access. The Department of Commerce is working on a study that will identify the infrastructure technology needs in Indian country and will set forth proposals to address these needs. The federal government, along with Tribes, states, and the private sector, must work together to ensure that reservations are hooked up to information technology and that the infrastructure to support this technology are put in place.

By focusing federal resources on improving economic development in Indian Country through creating an entrepreneurial culture, providing access to capital, encouraging homeownership, and investing in technology infrastructure, we will help tribal governments bring growth and opportunities to Indian Country.

### (3) Tribal-Based Law Enforcement Initiative

**I have worked very hard to find new ways for the federal government to assist local communities in addressing their needs in a comprehensive and effective way. The importance of this effort is nowhere greater than in Indian Country, where the federal government plays a special role due to its trust responsibility to tribal governments. We need to develop federal-tribal-private partnerships that respect tribal sovereignty and preserve traditional Native American culture, while at the same time ensuring that much needed resources are used to improve the quality of life in Indian Country. Nowhere is this need greater than in the area of law enforcement and public safety. A safe community provides the base on which economic development can flourish for all Native Americans.**

Community policing has been the cornerstone of my Administration’s law enforcement initiatives. This model provides a community-based approach to law enforcement, by providing flexibility in identifying problems, and creating a partnership between citizens and law enforcement. This model fits well with Indian country with each community having unique but overlapping problems with other Indian communities.

A broader vision, however, is necessary to address the needs of tribal communities more comprehensively. I propose the Tribal-Based Law Enforcement Initiative that seeks to implement the idea that comprehensive strategies and coordinated funding are the most effective way for the federal government to assist communities in addressing local problems. There are three primary objectives: (1) to obtain intensive experience in diverse communities about the most effective ways to address their law enforcement problems; (2) to address community problems in a comprehensive way through effective planning and appropriate funding; and (3) to promote inter-tribal exchanges of ideas and experiences, as well to promote coordination among tribes for more efficient use of resources. This initiative should have the following components:

- Through the use of technical assistance, the federal government will work with tribes, on a government-to-government basis, to help them identify the unique law enforcement and public safety problems in their community. Tribes will assess their communities' need and priorities and develop appropriate strategies to address them. Through this process, the communities will develop a comprehensive plan to address law enforcement and public safety concerns.
- The communities will use these plans to apply for law enforcement funds in a new, coordinated process with one application rather than on a piecemeal basis. This will ensure that the communities can maximize the use of federal funding in a coordinated, problem-solving manner. The goal of this project will be to help Indian communities develop comprehensive strategies for improving public safety.
- The project will have an evaluation component and tribes will be encouraged to set performance goals for reducing crime.
- This project should be expanded at successive phases to tie into other agencies besides the Department of Justice. Particularly in Indian communities, a large portion of the crime problems are tied to alcohol and substance abuse. In order to address these problems in a comprehensive way, law enforcement should work in tandem with other federal programs to solve the underlying cause of many of the incidents of crime.

This initiative will empower communities to solve their law enforcement problems at a local level and in a comprehensive manner, and rebuild a sense of confidence in law enforcement in Indian country.

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## **A WORKPLAN FOR THE NATION**

There are many opportunities to improve the lives of Native Americans in the areas of education, economic development, and law enforcement if we all work together to build One America. The Nation's efforts should focus on the following goals:

- Eliminate disparities for American Indians in the public school system;
- Seek to preserve the culture of American Indians and Alaska Natives;
- Promote cooperation between the federal government, States, local governments, and the private sector to invest in economic development in Indian country;
- Invest in infrastructure in Indian country, both in technology and through transportation systems; and
- Build cooperation to ensure public safety in Indian communities and provide positive influences for Indian youth to stay out of crime.

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### **Eliminate disparities for American Indians in the public school system**

American Indian students attend schools operated by state, federal, and tribal governments. As stated earlier, about 90 percent of American Indian students attend state public schools. Because of this, there is a great opportunity for the states, localities, and tribal governments to work together to ensure that Native American students have equal access to high quality curricula, teachers, classrooms, and materials.

In overcoming the gaps in educational opportunities, several unique factors affecting American Indian students, such as high student mobility rates, high drop out rates, and high teacher turnover rates should be taken into account. Studies have shown that changing schools even once during a school year can have a negative impact on student achievement.<sup>xxiii</sup> Furthermore, schools are often ill-prepared to meet the needs of transfer students because of slow or inadequate student record transfer. These separate educational systems must improve the transfer of records and the sharing of information by developing common databases and utilizing technology. There are also opportunities for intergovernmental regulation of student transfers and the development of memoranda of understanding about common educational issues and concerns.

As noted earlier, most schools are funded largely on local property taxes. Because of a shrinking tax base, many minority communities are able to generate fewer and fewer resources to fund their schools. This problem becomes exacerbated for local public school districts where a large portion of the district is comprised of Indian reservation land that is held in trust by the federal government and cannot be taxed by state or local governments. The Impact Aid program seeks to remedy this problem by providing federal funding to redress the negative impact of the loss of a taxable base. My Administration has fully supported the Impact Aid program, and we should continue to do so in order to ensure that public schools serving Native American students stand on an equal footing with other public schools.

While there are unique issues affecting American Indian and Alaska Native students, the goals I laid out earlier apply equally to these students. Let me be clear: we must support Native American families and early learning opportunities; overcome gaps in K-12 educational opportunity; provide for high-quality teachers; ensure access to challenging courses; repair and replace old and dilapidated schools; provide technology and training; end social promotion; and hold all of our students to high expectations. If we do all this, we will have made tremendous strides in ending the disparities that plague too many of this Nation's Native American students.

### **Seek to preserve the culture of American Indians and Alaska Natives**

American Indian children often do not come to school ready to learn. They have often had to face serious health and safety issues. Often they do not have access to early childhood education programs, which are linguistically, culturally, and developmentally appropriate. The Bureau of Indian Affairs funds over 20 **check** Family and Child Education (FACE) projects, which serves over 1,500 families. The FACE program provides early childhood opportunities for Indian children by targeting preschool children ages 0-5 and their parents. All schools systems must focus on early childhood and pre-school programs so that Indian children are given greater assistance that meets their unique educational needs. These programs should promote school readiness, enhance native language development, and increase the potential for learning among young American Indian and Alaska Native children.

### **Promoting cooperation between the federal government, States, local governments, and the private sector to invest in economic development in Indian country**

We must encourage more cooperation between state, local, and tribal governments. Because of the sovereign status of tribes, states cannot directly tax tribal governments. Along with this lack of ability to directly tax tribes, there is a misperception that Tribes do not contribute to the local economy and that revenues flow from states to tribes, but not in the other direction. One study shows that residents of Indian reservations (approximately 1.24 million persons in over 330,000 households) make approximately \$3.1 billion in annual personal consumption expenditures off the reservation in the local, state, and national economies of which reservations are a part. State governments in proximity to reservations expend approximately \$226 million annually on behalf of reservation residents, while the residents, tribal governments, and businesses on reservations generate \$246 million in annual state tax revenue<sup>xxiv</sup>. From these statistics, it is clear that state and local governments should work in partnerships in tribes to develop economic strategies for entire regions.

### **Invest in infrastructure in Indian country, both in technology and through transportation systems**

Because of their often remote locations, American Indian and Alaska Native communities stand to benefit greatly from the Information Age, yet are in grave danger of being left behind. A

recent Department of Commerce study on Internet and computer usage in American shows that, although many more Americans now own computers, minority and low-income households are still far less likely than white and more affluent households to have personal computers or access to the Internet. Even more disturbing, this study reveals that this “digital divide” between households of different races and income levels is growing.<sup>xxv</sup> States, local governments, tribes, the federal government, and the private sector must all work together to ensure that Indian youth have the access to the Information Age in their classrooms and that Indian communities have access for economic development. [talk about transportation]

**Build cooperation to ensure public safety in Indian communities and provide positive influences for Indian youth to stay out of crime**

**Tribal communities are among the youngest population groups in America, and many tribal youth are at risk. The development of youth gangs has been a disturbing trend in Indian Country, and many tribal youth lack for role models and opportunities. It is thus critically important that we develop strategies for creating a more stable environment for tribal youth in both the short and long term.**

**Through the Department of Justice’s “Volunteers for Tribal Youth (VTY)” Program, we will build a federal-tribal partnership project designed to help American Indian tribes enhance or create sustainable community-based volunteer programs aimed at creating positive opportunities for youth and reducing youth and/or gang violence. The Department, working in partnership with 18 federal and national non-profit organizations, will work with tribal communities to identify opportunities for volunteers, including elders, to serve as mentors, tutors, and positive adult role-models for American Indian youth. To that end, this program intends to provide tribal communities with the financial resources, training, technical assistance, organizational guidance, networking assistance, and other resources necessary to create and sustain community-based volunteer programs.**

\* \* \*

**Conclusion**

Tribal communities stand at the threshold of a new era, one filled with the promise of greater prosperity and a higher quality of life. These are crucial years for the future of American Indians and Alaska Natives. This nation must commit itself to supporting tribal and individual efforts to build the foundation for the success of American Indians and Alaska Natives in the coming millenium.

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i.

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- ii. From 1999 State of the Union, stock language he always uses
  - iii. Washington Post, December 16, 1997.
  - iv. Jon Jeter, Washington Post, December 16, 1997. Statistics from Harvard School of Public Health, epidemiological study.
  - v. Census data or CPS data.
  - vi. William Claiborne, Washington Post, August 14, 1998.
  - vii. Census 1990
  - viii. BIA
  - ix. Where get this?
  - x. 1994 National Assessment of Education Progress (NAEP).
  - xi. 1990 Census.
  - xii. USA Today, April 13, 1998.
  - xiii. 1969 Senate Committee
  - xiv. "American Indians and Crime," Department of Justice (February 1999).
  - xv. CEA report
  - xvi. "American Indians and Crime," Department of Justice (February 1999).
  - xvii. Washington Post, December 16, 1997.
  - xviii. Washington Post, December 16, 1997.
  - xix. FBI's Uniform Crime Report.
  - xx. Washington Post, February 15, 1999.
  - xxi. American Society of Civil Engineers (1998).
  - xxii. 1990 Census.
  - xxiii. Any cite for this?

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xxiv. Prepared statement of Robert F. Robinson, President of the Center for Applied Research, Inc., submitted to the U.S. Senate Committee on Indian Affairs, Economic Development Hearing, April , 1998.

xxv. Department of Commerce, 1998.

Draft 3/09/99

### *Part I - The America We See (American Indian insert)*

Before Europeans arrived on this Nation's shores, American Indians built great civilizations with remarkable scientific, artistic, and cultural achievements. From aspirin, cocoa, and quinine to architecture and government planning, the Indian nations and tribes have made important contributions to our nation. Our Founding Fathers visited the Iroquois confederacy to examine its system of separation of powers in developing our own system of checks and balances:

Although I was aware that my home State of Arkansas was home to a significant but very small population of American Indians, I did not know much about tribal governments before my first Presidential campaign in 1992. The opportunity to visit some of the reservations and discuss issues with tribal leaders prompted me to learn more about the government-to-government relationship that exists between the U.S. government and Indian tribal governments, to seek a better understanding about social and economic conditions in Indian communities, and to explore opportunities to enhance the standard of living for America's tribal peoples. It is this government-to-government relationship and the sovereignty of tribes which distinguishes Native Americans tribes as political groups and not simply racial or ethnic classifications.

I began to understand the importance of tribal self-determination to positive social and economic growth and to formulate the policies that I believed would provide the greatest support for tribal objectives. I believed that federal agencies should consult with tribes prior to taking actions that affect tribal interests. I also felt strongly that the right of Native Americans to the free exercise of religion must be secured. On April 29, 1994, I became the first President since James Monroe, the fifth U.S. President, to invite the leaders of every tribe to a meeting at the White House. That afternoon, I signed two Executive memoranda: one to facilitate the process through which tribal members may gain access to eagle feathers for religious purposes and the other directing federal agencies to consult with tribes prior to taking actions that affect tribal rights and interests. In May 1998, I signed an executive order which strengthens the federal government's commitment to consulting with tribes.

The special political relationship between tribal governments and the United States arises from Article I, Section 8 of the Constitution where the Framers of the Constitution crafted a legal and political niche within which the internal autonomy and political authority of tribes would continue to be recognized. In interpreting Article I, Section 8 of the Constitution, Chief Justice Marshall noted that "the relationship of tribes to the United States is unlike that of any other two people in existence marked by cardinal and peculiar distinctions." Marshall characterized tribes as domestic dependent nations, at once possessing attributes of sovereignty and yet dependent upon the protection of the United States. Justice Marshall also recognized that there is a federal Indian trust responsibility under which the United States has assumed certain legal and moral obligations in relation to American Indian and Alaska Native tribes.

Treaties were used extensively by the European states as a means fostering peace,

formalizing diplomatic relations, and conducting transactions with the Tribes from first contact. The Tribal Nations of the New World were a formidable political and military force, and treaties of peace and friendship were powerful tools for fostering trade and commerce. The newly formed U.S. continued to negotiate treaties with the Indian nations until 1871 when Congress ended treaty making with Indian tribes. Sadly, we know that our nation has not always honored our commitments to Native Americans. From 1887 to 1934, Indian tribes lost almost 100 million acres of reservation lands.

Though deeply rooted in the Constitution, the right of tribal self-government has frequently been challenged throughout our nation's history. From the earliest days of the republic, there have been two competing views about Indian policy. At one extreme is the view that tribal existence is inconsistent with fundamental American values. Proponents of this view believe that Indian people should be assimilated into the larger society as quickly and thoroughly as possible. At the other extreme is the view that tribal existence can be maintained only in isolation from the larger society. What proponents of either view fail to recognize is that tribal government is wholly compatible with, and is indeed a part of, our Constitutional framework.

The existence of tribal governments is particularly suitable to the political structure and underlying principles and values of our nation, balancing the distribution of governmental power among separate sovereigns forming a single union. Such structure readily accommodates inclusion of tribal governments both philosophically and practically. While distinctly different from states in many respects, tribal governments possess the kinds of powers typically associated with state governments. Such powers include the authority to make and enforce civil and criminal laws; to levy taxes; to establish membership criteria; and to license and regulate activities. Although tribes possess both the right and the power to regulate activities in their territories independently from surrounding state governments, they frequently collaborate and cooperate with states, on a government-to-government basis, through compacts or other agreements.

Although tribal governmental authorities have been recognized within federal jurisprudence since the establishment of our nation, it has only been in recent years that tribal governments have been provided mechanisms through which to exercise greater autonomy and authority over the delivery of federal Indian programs and resources. In 1994, I signed into law the Tribal Self-Governance Act. Under Self-Governance, tribal governments have unprecedented authority over the design, allocation, and expenditure of resources as well as the management of natural resources. Through this law, my Administration has continued the process of transferring tribal government service delivery from the Bureau of Indian Affairs to tribal governments

Tribal government has come of age in the last quarter of the twentieth century. Nearly wiped out first by the assimilation policies in the 1880's, then by the policy of terminating the political status of tribes in the 1950's through 1973, tribal government has made a spectacular come back, continuously growing in capacity, sophistication, and strength. As a new millennium dawns, we must resolve to break decisively with old attitudes and ideas that divide Americans and

hinder our ability to achieve social justice and equality of opportunity for every American. America must rid itself of the notion that Indian tribes are tragically, but inevitably, destined to vanish from the face of the Earth in the wake of the manifest destiny of our nation. When the framers of our Constitution incorporated Indian nations into the political and legal framework of this country, they forever joined the destiny of the tribal nations with that of this great nation. The time now has come for our nation to embrace the principle that American Indian and Alaska Native tribal governments are a permanent and integral part of the social, political, and economic fabric of the United States.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:10-MAR-1999 07:48:55.00

SUBJECT: RECEIVED: Ed-Flex House Floor SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
Ed-Flex House Floor SAP  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/10/99 07:50:36 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:10-MAR-1999 09:26:26.00

SUBJECT: RECEIVED: REVISED HSE FLOOR SAP: ED-FLEX

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
REVISED HSE FLOOR SAP: ED-FLEX  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/10/99 09:27:39 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 15:28:13.00

SUBJECT: Re: Helms v. Picard

TO: Dan Marcus ( CN=Dan Marcus/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

You bet. As you know, we've traded calls a few times on this. Either a phone call or a meeting is fine.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:10-MAR-1999 09:31:13.00

SUBJECT: Re: REVISED HSE FLOOR SAP: ED-FLEX

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

READ:UNKNOWN

TEXT:

yes, it is.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:11-MAR-1999 07:46:18.00

SUBJECT: RECEIVED: Need Clearance: Draft Letter for Supplemental Mark-up

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB ] )

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Need Clearance: Draft Letter for Supplemental Mark-up  
was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

03/11/99 07:45:04 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:12-MAR-1999 07:42:36.00

SUBJECT: RECEIVED: Tobacco recoupment language with IDEA

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

TEXT:  
RETURN RECEIPT

Your Document:  
Tobacco recoupment language with IDEA  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/12/99 07:44:44 AM

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:12-MAR-1999 07:48:49.00

SUBJECT: RECEIVED: POTUS Final 3/12

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

TEXT:  
RETURN RECEIPT

Your Document:  
POTUS Final 3/12  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/12/99 07:45:52 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 18:01:43.00

SUBJECT: Re: NAS Response press release

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

TEXT:  
super

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:12-MAR-1999 17:24:00.00

SUBJECT: Re: Bureaucracy

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

TEXT:  
excellent. thanks.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Elena Kagan to Ron Klain. Subject: Lawstudent. (1 page)	03/15/1999	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[03/09/1999 - 03/18/1999]

2009-1006-F

wr61

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 16:13:24.00

SUBJECT: Re: Conferees

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

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

TEXT:

You're certainly right as to the message.

Do we need to get veto language out there right away, or doesn't it matter?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 17:12:52.00

SUBJECT: Tomorrow's 11 am meeting with Dr. Francis Collins

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/15/99 05:15  
PM -----

Joanne S. Tornow  
03/15/99 02:31:02 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Courtney O. Gregoire/OPD/EOP  
Subject: Tomorrow's 11 am meeting with Dr. Francis Collins

I wanted to let you know what Dr. Collins plans to discuss in tomorrow's briefing on the Human Genome Project for you, Neal, and David Beier. The agenda will include:

- The new 5 year plan (copies of which they will bring)
- Today's announcement of new awards being given to accelerate the production of a working draft of the genome
- Discussion of the use and value of the working draft
- The importance of public access to genome data (the HGP and private sector initiatives, i.e. Celera, will be discussed here)
- Policy initiatives, such as the genetics nondiscrimination EO

The meeting is scheduled for 11 a.m., in OEOB 422. I look forward to seeing you.

Joanne

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 16:18:26.00

SUBJECT: CEDA

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

TEXT:

Paul -- does this fall into your bailiwick?

----- Forwarded by Elena Kagan/OPD/EOP on 03/15/99 04:20  
PM -----

Karen Tramontano  
03/13/99 02:29:42 PM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP  
cc:  
Subject: CEDA

I meet w/ folks from CEDA -- in Illinois --for John -- they were very appreciative of the President's support for CBSG but asked that we consider funding discretionary programs and they were upset that we did not fund CDBG --- I listened and then talked POTUs agenda etc -- but had no response to these two items -- I should have invited someone from DPC who actually knows the answers --- but it was a last minute meeting --- anyway --this is a long way of asking --- can someone give me the talking points on CBSG and CDBG -- discretionary accounts --- if you have them -- please don't go to any extra effort -- I made it thru the meeting -- just fine. thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:15-MAR-1999 16:34:03.00

SUBJECT: Re: CEDA

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

TEXT:  
thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-MAR-1999 14:27:01.00

SUBJECT: Re: AP on NAS response

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

TEXT:

Yuck. How did that happen. Can we push them back -- i.e., make clear we  
ARE for a unified approach?



## **Taking Exception**

David Broder's column (March 14) on the President's framework for Social Security and Medicare reform used an unusually heated hearing of the Senate Finance Committee as the vehicle for raising objections to the President's Medicare policy. Unfortunately, Mr. Broder's rendering of the hearing provided only one side of the debate and overlooked the President's commitment to broad reforms.

The President's framework to save Social Security first, and in turn to address Medicare reform, is predicated on a commitment to fiscal discipline that is the foundation of our economic policy. Our firm adherence to fiscal discipline has allowed us to replace the massive budget deficits of the past with a balanced budget and projected surpluses for years to come. Our next step must be to lock in the fiscal policy that has helped produce 18 million new jobs in six years and has produced the longest peacetime expansion in the nation's history. To do that, we must invest this surplus wisely to benefit current and future generations.

The President proposes using 77% of the surplus over the next fifteen years to reduce debt held by the public by more than X per cent and to finance our current obligations to Social Security and Medicare, which are fundamental elements of our American social contract. By contrast, using the surplus for other purposes before Medicare is funded would diminish our ability to keep the pledge we have already made to provide health care for elderly Americans. Our policy of debt reduction has been praised by Mr. Broder and numerous other experts. It would lower the government's interest rates, free resources for more productive uses and provide a "first call" for payment of our obligations to Social Security and Medicare.

Indeed, Republican plans would use the surplus for large tax cuts rather than funding Medicare. The Republican budget plan leaves the Medicare Trust Fund precisely where it already was, facing insolvency in the year 2008/(OMB Mendelson suggests “in the near future”). In fact, their proposed across-the-board tax cuts would squeeze out funding for many other priorities over the next 15 years: Medicare, USA accounts targeted to increase national savings especially by lower income Americans, and funding available for key national priorities such as defense and education.

The President’s plan more than doubles the life of the trust fund. The infusion of more than \$700 billion dollars will extend the Trust Fund to 2020. However, we must and we plan to do more. Transferring funds from the surplus is a critical step as we move ahead to address needed reforms, including prescription drug benefits and modernizing the delivery of Medicare benefits.

While Senator Breaux and his colleagues have made serious efforts to address the need to modernize and prepare the program for the Baby Boom retirement, their plan fails to include several elements that are essential to Medicare’s future. First, it does not provide new revenues for Medicare, passing up an historic opportunity to dedicate 15% of the surplus for the next fifteen years to extending the life of the program’s Trust Fund. Every independent Medicare expert agrees the program cannot provide the baby boom generation with Medicare benefits without substantial new revenue, but this Commission recommends waiting to act until Medicare’s solvency is at risk. This will make the problem harder to solve and shift more of the burden to our children.

The Breaux-Thomas plan also raises the age for Medicare eligibility without proposing

any policy to prevent a large increase in the number of uninsured among those who would no longer qualify for the program. It proposes a premium support model that runs the risk of raising premiums for the traditional Medicare program or undermine its current package of benefits, and the President cannot support any plan that presents such risks. While the plan does acknowledge the need for prescription drug coverage, it does not provide an accessible, affordable option for all beneficiaries.

The President will build on the Commission's work to develop and propose a plan that can attract greater consensus. He has instructed his health care advisors to take the best ideas from the Commission plan, from members of the Commission with other views and from other members of Congress to craft a proposal that can receive bipartisan support and truly prepare Medicare for its future challenges.

The President's plan to transfer more than \$700 billion of the surplus to Medicare should be evaluated in the context of recent bipartisan results in finding Medicare savings. It has not been easy. In 1993, Congress passed a budget with \$56 billion in savings from Medicare reforms over five years, and in 1997, the savings were \$112 billion over five years. The President's 2000 budget proposals to save \$9 billion over five years through lower increases in provider payments and other savings have engendered much concern from providers and members of the House and Senate concerned about the impact on specific health care institutions. Over the same time period, the President's proposed transfer from the surplus would add \$149 billion to the Medicare Trust Fund and a total of \$713 billion over fifteen years. Consider the alternatives: to achieve the same level of funding without allocating a share of the surplus, it would require a 16% reduction in the assumed growth rate (Mendelson: payments to hospitals and other acute care providers), at least an 18% increase in the payroll tax or an annual

increase of at least \$500 in Medicare premiums paid by the elderly. We believe that a transfer from the surplus is a necessary first step to honor our commitments, while working together to produce needed reforms.

We agree with Mr. Broder and others who argue that more reform is needed in Medicare. We believe that the President's framework and his commitment to build on the work of Senator Breaux's Medicare Commission provides an opportunity to reach meaningful reform, while using this historic opportunity and investing a portion of our hard-earned budget surplus wisely -- by extending the life of the Medicare Trust Fund.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-MAR-1999 10:20:11.00

SUBJECT: Re: April 8th

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

READ:UNKNOWN

TEXT:

sounds great

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-MAR-1999 10:21:57.00

SUBJECT: Re: guidance today

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

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

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

TEXT:

Tobacco, police brutality, and patients' are all the same (tobacco and patients' from yesterday, police brutality from last week). We're working on Medicare now.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 13:38:18.00

SUBJECT: Re: INS Q& A

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

READ:UNKNOWN

TEXT:

Jose -- You should look at what we actually sent in and see if you want to change/add anything. Courtney should be able to give it to you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 13:22:58.00

SUBJECT: Re: I made some changes -- is it still ok?? Pls respond ASAP. Thanks.

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

READ:UNKNOWN

TEXT:

yours looks great. we're sending down a version with one additional change. thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 13:35:15.00

SUBJECT: slight revised

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/17/99 01:37 PM -----

Christopher C. Jennings  
03/17/99 01:21:48 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: slight revised

----- Forwarded by Christopher C. Jennings/OPD/EOP on 03/17/99 01:24 PM -----

Sarah A. Bianchi @ OVP  
03/17/99 01:14:23 PM  
Record Type: Record

To: Barry J. Toiv/WHO/EOP, Christopher C. Jennings/OPD/EOP  
cc:  
Subject: slight revised

one sentence gone and paragraphs together

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D28]MAIL42234338L.036 to ASCII,  
The following is a HEX DUMP:

FF575043C8040000010A0201000000020500000022100000000200003F766FEC641926D27A31CE  
DF08476CB41619AEF10D61E4BDCFB6676CE85A8B5C685408F7D6CF68EADB16E025A445B7490FA8  
1206629339872A073185F81A8E9CCF6001472C712BE6EB9E24C0F0674C22B55B7D1D0F30438D66  
F66154933E746C102F014B066E39DDC745D1BE85A627021454A914B777723AB9B5D8209BFEDFDB  
C55B4675FB42472E45022151C196BA5AAFDD1ACA0E58E0D6FA57C2C90F49E254812B186C81D7D  
30A63D368114EA218B5AEC4EC13D9D1821D0576E3D75742F36750A76459950024D9D2627444453

**STATEMENT BY THE PRESIDENT ON  
THE PATIENTS' BILL OF RIGHTS  
March 17, 1999**

Today, the Congress is beginning its first mark up on patients' rights legislation. I am pleased that we are moving forward this issue that is critical to assuring Americans high quality health care. Unfortunately, the Chairman's mark appears to fall far short of providing patients with the protections they need. Because it only applies these rights to those in self-insured plans, it leaves 100 million Americans in insured plans without the guarantee of critical protections.

While states have the authority to pass patient protections for these plans, not one has passed all of these protections. For example, dozens of states have not passed access to specialist provisions or continuity of care protections to assure that patients do not have to change doctors in the middle of a critical treatment such as cancer or a pregnancy. Tens of millions of Americans should not be held hostage to the hope that their state may pass bills on all these protections. We need strong Federal legislation to assure all health plans provide patients these important rights.

Moreover, the Chairman's mark leaves out many of the most fundamental protections. For example, it does not have an adequate enforcement mechanism to assure patients are compensated when they are injured or die as a result of a health plans' decisions; it does not assure patients access to specialists, such as oncologists or heart specialists; and it leaves out continuity of care protections. **That is why every major patient, doctor, and nurse advocacy organization has concluded that the Chairman's mark is simply inadequate.**

**Today represents the first test of this new Congress to see if it is serious about providing Americans with a strong enforceable patients' bill of rights to assure high quality health care. I urge the Committee to do everything it can to pass this test and give Americans the protections they need.**

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:17-MAR-1999 15:05:35.00 .

SUBJECT: RECEIVED: 5:45 pm Mtg TODAY

TO: Tracy Pakulniewicz ( CN=Tracy Pakulniewicz/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TEXT:  
RETURN RECEIPT

Your Document:  
5:45 pm Mtg TODAY  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/17/99 02:57:36 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 14:57:00.00

SUBJECT:

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We need to talk about whether to petition for cert in a case that involves (1) Texas (2) computers in classrooms and (3) parochial schools. Grab me tomorrow morning or set up a time.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 19:27:12.00

SUBJECT: Statement by the President: Patients' Rights Legislation

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

TEXT:

How is it that the statement incorporates none of my edits?

----- Forwarded by Elena Kagan/OPD/EOP on 03/17/99 07:29  
PM -----

Jason H. Schechter  
03/17/99 05:39:34 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: Statement by the President: Patients' Rights Legislation

THE WHITE HOUSE

Office of the Press Secretary

For Immediate  
Release  
1999

March 17,

#### STATEMENT BY THE PRESIDENT

Today, the Congress is beginning its work on patients', rights legislation. This issue is critical to assuring Americans high quality health care in the 21st Century, so I am pleased that we are moving forward.

Unfortunately, the proposal by the Chairman of the Senate Health, Education, Labor, and Pensions Committee falls far short of the legislation the American people deserve. Because it applies patients', rights only to those in self-insured plans, this proposal leaves 120 million Americans in insured and individual plans without the guarantee of critical protections. Millions of Americans should not be held hostage to the hope that their state might pass legislation providing these protections. In fact, while states have the authority to pass patient protections for these plans, not one has enacted all of these protections. That is why we need strong Federal legislation to ensure that all health plans provide patients these important rights.

Even for those it does cover, the Chairman's proposal leaves out many of the most fundamental protections. For example, it does not have an adequate enforcement mechanism to ensure that patients are compensated when they are injured or die as a result of a health plan's decisions; it does not assure patients access to specialists, such as oncologists or heart specialists; and it leaves out continuity of care protections. That is why every major patient, doctor, and nurse advocacy organization has concluded that this proposal is simply inadequate.

Today represents the first test of whether this new Congress is serious about providing Americans with a strong, enforceable patients bill of rights to assure high quality health care. I urge the Committee to do everything it can to pass this test and give Americans the health care protections they need.

30-30-30

Message Sent

To:

---

Christine A. Stanek/WHO/EOP  
Lori E. Abrams/WHO/EOP  
Anne M. Edwards/WHO/EOP  
David E. Kalbaugh/WHO/EOP  
Julie E. Mason/WHO/EOP  
Elisa Millsap/WHO/EOP  
Cheryl D. Mills/WHO/EOP  
G. Timothy Saunders/WHO/EOP  
Laura D. Schwartz/WHO/EOP  
Douglas B. Sosnik/WHO/EOP  
Todd Stern/WHO/EOP  
Barry J. Toiv/WHO/EOP  
Michael Waldman/WHO/EOP  
Dorian V. Weaver/WHO/EOP  
Catherine T. Kitchen/WHO/EOP  
Brenda M. Anders/WHO/EOP  
Richard Socarides/WHO/EOP  
Dag Vega/WHO/EOP  
Barbara D. Woolley/WHO/EOP  
Cynthia M. Jasso-Rotunno/WHO/EOP  
Sara M. Latham/WHO/EOP  
Andrew J. Mayock/WHO/EOP  
Beverly J. Barnes/WHO/EOP  
Megan C. Moloney/WHO/EOP  
Laura S. Marcus/WHO/EOP  
Virginia N. Rustique/WHO/EOP  
Thomas D. Janenda/WHO/EOP  
Brian D. Smith/WHO/EOP  
Leanne A. Shimabukuro/OPD/EOP  
Kim B. Widdess/WHO/EOP  
1=US @ 2=WESTERN UNION @ 5=ATT.COM @ \*ELN\62955104 @ MRX @ LNGTWY  
62955104 @ eln.attmail.com @ inet  
BARBUSCHAK\_K @ A1 @ CD @ LNGTWY  
INFOMGT @ A1 @ CD @ LNGTWY  
JOHNSON\_WC @ A1 @ CD @ LNGTWY  
SULLIVAN\_M @ A1 @ CD @ LNGTWY  
SUNTUM\_M @ A1 @ CD @ LNGTWY  
WOZNIAK\_N @ A1 @ CD @ LNGTWY  
backup @ wilson.ai.mit.edu @ inet  
newsdesk @ usnewswire.com @ inet  
usia01 @ access.digex.com @ inet  
usnwire @ access.digex.com @ inet  
GRAY\_W @ A1 @ CD @ LNGTWY  
NAPLAN\_S @ A1 @ CD @ LNGTWY  
WEINER\_R @ A1 @ CD @ LNGTWY  
GRIBBEN\_J @ A1 @ CD @ LNGTWY  
RILEY\_R @ A1 @ CD @ LNGTWY  
tnewell @ ostp.eop.gov @ INET @ LNGTWY  
Elizabeth R. Newman/WHO/EOP  
Jordan Tamagni/WHO/EOP

HEMMIG\_M @ A1 @ CD @ LNGBTWY  
Kevin S. Moran/WHO/EOP  
Ashley L. Raines/OA/EOP  
Peter A. Weissman/OPD/EOP  
Douglas J. Band/WHO/EOP  
Edwin R. Thomas III/WHO/EOP  
Sherman A. Williams/WHO/EOP  
William W. McCathran/WHO/EOP  
Julia M. Payne/WHO/EOP  
Robin J. Bachman/WHO/EOP  
Ruby Shamir/WHO/EOP  
Nicole R. Rabner/WHO/EOP  
June Shih/WHO/EOP  
Brooks E. Scoville/WHO/EOP  
Neera Tanden/WHO/EOP  
Sarah S. Knight/WHO/EOP  
Tracy F. Sisser/WHO/EOP  
Woyneab M. Wondwossen/WHO/EOP  
Jeannetta P. Allen/WHO/EOP  
Judithanne V. Scourfield/WHO/EOP  
Patrick E. Briggs/WHO/EOP  
Debra S. Wood/WHO/EOP  
Daniel W. Burkhardt/WHO/EOP  
Maureen A. Hudson/WHO/EOP  
Lana Dickey/WHO/EOP  
Carmen B. Fowler/WHO/EOP  
Lynn G. Cutler/WHO/EOP  
Julianne B. Corbett/WHO/EOP  
Walker F. Bass/WHO/EOP  
Virginia Apuzzo/WHO/EOP  
Michael V. Terrell/CEQ/EOP  
Elliot J. Diringer/CEQ/EOP  
Nanda Chitre/WHO/EOP  
Amy Weiss/WHO/EOP  
Melissa M. Murray/WHO/EOP  
Lisa J. Levin/WHO/EOP  
Phillip Caplan/WHO/EOP  
Katharine Button/WHO/EOP  
Douglas R. Matties/OA/EOP  
Eli G. Attie/OVP @ OVP  
wh-outbox-distr @ pub.pub.whitehouse.gov @ inet  
Sean P. Maloney/WHO/EOP  
Marsha Scott/WHO/EOP  
Jessica L. Gibson/WHO/EOP  
Jodi R. Sakol/OVP @ OVP  
Linda Ricci/OMB/EOP  
Mark D. Neschis/WHO/EOP  
Jeffrey A. Shesol/WHO/EOP  
Heather M. Riley/WHO/EOP  
Jonathan E. Smith/WHO/EOP  
McGavock D. Reed/OMB/EOP  
Chandler G. Spaulding/WHO/EOP  
Janelle E. Erickson/WHO/EOP  
Delia A. Cohen/WHO/EOP  
Maureen T. Shea/WHO/EOP  
RUNDLET\_P @ A1 @ CD @ VAXGTWY  
BUDIG\_N @ A1@CD@VAXGTWY  
Fred DuVal/WHO/EOP  
Pubs\_Backup  
William C. Haymes/OA/EOP  
Jason H. Schechter/WHO/EOP  
cmbeach @ email.msn.com @ inet  
Sheyda Jahanbani/NSC/EOP

Marty J. Hoffmann/WHO/EOP  
Dorinda A. Salcido/WHO/EOP  
dmilbank @ tnr.com  
Julie B. Goldberg/WHO/EOP  
Sarah E. Gegenheimer/WHO/EOP  
kyle.mckinnon @ kcrw.org  
Thomas M. Rosshirt/OVP @ OVP  
Minyon Moore/WHO/EOP  
Charles M. Brain/WHO/EOP  
Dario J. Gomez/WHO/EOP  
Carolyn T. Wu/WHO/EOP  
Gregory B. Craig/WHO/EOP  
Edward F. Hughes/WHO/EOP  
Rajiv Y. Mody/WHO/EOP  
Robin Leeds/WHO/EOP  
Deborah B. Mohile/WHO/EOP  
Sondra L. Seba/WHO/EOP  
Tania I. Lopez/WHO/EOP  
Maritza Rivera/WHO/EOP  
Ilia V. Velez/WHO/EOP  
Victoria A. Lynch/WHO/EOP  
Jena V. Roscoe/WHO/EOP  
Cheryl M. Carter/WHO/EOP  
Jocelyn A. Bucaro/WHO/EOP  
Kelley L. O'Dell/WHO/EOP  
Jonathan M. Young/WHO/EOP  
Jackson T. Dunn/WHO/EOP  
Robert B. Johnson/WHO/EOP  
Jon P. Jennings/WHO/EOP  
Charles H. Cole/WHO/EOP  
drosen @ newsweek.com  
Jennifer Ferguson/OMB/EOP  
Joshua S. Gottheimer/WHO/EOP  
Carrie A. Street/WHO/EOP  
mhall @ usatoday.com  
spage @ usatoday.com  
bnichols @ usatoday.com  
Paul D. Glastris/WHO/EOP  
Maria E. Soto/WHO/EOP  
Alejandro G. Cabrera/OVP @ OVP  
Christopher K. Scully/WHO/EOP  
JOHN.LONGBRAKE @ MS01.DO.treas.sprint.com  
kara.gerhardt @ ost.dot.gov  
Mindy E. Myers/WHO/EOP  
meglynn @ usia.gov @ INET @ LNGTWY  
Larry.mcquillan @ reuters.com  
Deborin @ aol.com  
Jonathan A. Kaplan/OPD/EOP  
Karen Tramontano/WHO/EOP  
Skye S. Philbrick/WHO/EOP  
Toby C. Graff/WHO/EOP  
Samuel O. Spencer/WHO/EOP  
Caroline R. Fredrickson/WHO/EOP  
Matthew J. Bianco/WHO/EOP  
Nancy.mathis @ chron.com  
Matt Gobush/NSC/EOP  
James.gerstenzang @ latimes.com  
IGCP @ usia.gov  
Evan Ryan/WHO/EOP  
rsimoncol @ aol.com  
Brian S. Mason/OMB/EOP  
Stacie Spector/WHO/EOP  
Joseph C. Fanaroff/WHO/EOP

Marty J. Hoffmann/WHO/EOP  
Matthew W. Pitcher/WHO/EOP  
David R. Goodfriend/WHO/EOP  
photo @ upi.com  
kenneth.prewitt @ ccMail.census.gov  
Eli P. Joseph/WHO/EOP  
Jeffrey M. Smith/OSTP/EOP  
David Y. Stevens/OSTP/EOP  
Neal Sharma/WHO/EOP  
Jodi Enda <jenda @ krwashington.com>  
Jeffrey L. Farrow/WHO/EOP  
marhast @ aol.com @ inet  
mpena @ efeamerica.com @ inet  
mgarcia @ pacifica.org @ inet  
info @ elsoldetexas.com @ inet  
durph @ aol.com @ inet  
Linda L. Moore/WHO/EOP  
Orson C. Porter/WHO/EOP  
Bridget T. Leininger/WHO/EOP  
Craig Hughes/WHO/EOP  
Simeona F. Pasquil/WHO/EOP  
bob.davis @ news.wsj.com  
Victoria L. Valentine/WHO/EOP  
Elena Kagan/OPD/EOP  
jeanne.cummings @ news.wsj.com  
bob.davis @ news.wsj.com  
patricia.peart @ MSNBC.COM  
Jordan D. Matyas/OVP @ OVP  
Lorrie McHugh/WHO/EOP  
Sean P. O'Shea/WHO/EOP  
Abigail C. Smith/WHO/EOP  
Veronica DeLaGarza/WHO/EOP  
Richard L. Siewert/WHO/EOP  
Jade L Riley/WHO/EOP  
jorszag @ doc.gov  
Jennifer H. Smith/WHO/EOP  
Carrie R. Thompson/WHO/EOP  
mmacdonald1 @ doc.gov

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:17-MAR-1999 08:29:25.00

SUBJECT: RECEIVED: Need Clearance: Draft Senate Supplemental SAP

TO: Kate P. Donovan ( CN=Kate P. Donovan/OU=OMB/O=EOP [ OMB.] )

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Need Clearance: Draft Senate Supplemental SAP

was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

03/17/99 08:29:48 AM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 19:25:21.00

SUBJECT: PBOR

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

TEXT:

Just in case you needed another legislative director

----- Forwarded by Elena Kagan/OPD/EOP on 03/17/99 07:27 PM -----

Tracy Pakulniewicz  
03/17/99 04:55:15 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: PBOR

Loretta Ucelli would like to hold a meeting tomorrow, March 18 at 11:00 am in her office to discuss the Patients Bill of Rights, what the Hill is doing , what they want from us & and common goals.

Please let me know if you will be able to make it.

Thank you.

Message Sent

To: \_\_\_\_\_  
Douglas B. Sosnik/WHO/EOP  
Jennifer M. Palmieri/WHO/EOP  
Charles M. Brain/WHO/EOP  
Tracey E. Thornton/WHO/EOP  
Elena Kagan/OPD/EOP  
Bruce N. Reed/OPD/EOP  
Stacie Spector/WHO/EOP

Message Copied

To: \_\_\_\_\_  
Dominique L. Cano/WHO/EOP  
Heather M. Riley/WHO/EOP  
Laura Emmett/WHO/EOP  
Loretta M. Ucelli/WHO/EOP  
Christopher C. Jennings/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 10:03:57.00

SUBJECT: ONDCP Press Availability/IOM Study

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

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

TEXT:  
----- Forwarded by Elena Kagan/OPD/EOP on 03/17/99 10:06 AM -----

Jose Cerda III  
03/16/99 12:31:30 PM  
Record Type: Record

To: Karen Tramontano/WHO/EOP  
cc: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP  
Subject: ONDCP Press Availability/IOM Study

Karen:

Elena asked that I send you a note to let you know that we spoke to ONDCP, and that they said that General McCaffrey is committed to doing a press availability on the IOM-Medical Marijuana study tomorrow. After two years of pointing to the study, he feels obligated to go on the record when it is released -- and, despite our suggestion, is not willing to pull back.

I have attached McCaffrey's proposed statement and the Q&A prepared by his staff. If you still have concerns about the press availability, you or John will probably need to connect w/him directly. As you know, he doesn't feel obliged to take guidance from us on this or any other matter he views as his responsibility.

Jose'

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

TEXT:  
Unable to convert ARMS\_EXT:[ATTACH.D15]MAIL404395289.036 to ASCII,  
The following is a HEX DUMP:

FF57504332060000010A02010000000205000000AE1E000000020000421144FD5C8F178CE05F08  
9B3652C4806B468A834AA3566F1CC8FB7A3BD6B4D65BADF71EE2C5A8B66F2AE450785186C6A319  
F859FBA98053EB93EB50565E89D75A102674252C674F03CEFCDCADF10471C52A9B81B260D1338F  
C24EB61152232733A3D4B682182B1C08284323D8CEBAA682472F06E7A2773D0385B311A4C7B64D  
4BAF4D13F30511161339886A873A68B5AEC2CF2251DC154E10DCAEBB74CEC9DE2BA5C87F8E50B7  
C6CDB988E844E00EA311AFBE9E23FC1DDE281E49F77AEFCE8FB90CB7AD6BF241093D3B0126A268

**Q & A's for the Director on the IOM Report**  
**Prepared by Dan Schecter, Kate Malliarakis, Carol Gibson**  
**March 15, 1999**

1. **Does this report validate the message sent by voters in California, Arizona, Alaska, Washington, Oregon, Nevada?**
  - I've said before that using the ballot to decide what should become medicine is like asking the voters to make air traffic control decisions. We have always said and we continue to affirm that science, not the ballot box, should determine the practice of medicine.
  - The report says that it is impossible to estimate the clinical value of marijuana and cannabinoids based on anecdotal reports. (Page 1.19 IOM Report) This report does not address the political process that makes marijuana available to medically needy individuals. And, it doesn't address public policy questions such as the distribution of marijuana. But, the sense of the report indicates that distribution marijuana through places like Cannabis Buyers clubs would be inconsistent with sensible scientific practices.
  
2. **Will ONDCP's position on the medical use of marijuana change as a result of this report?**
  - Actually this report supports ONDCP's position, as it highlights the need for targeted research on the compounds in marijuana that may be helpful to those in medical need.
  - Medical advancement means rigorous testing before a new drug is released to the public. To recognize this reality is not to shut out the possibility of merit in the cannabis plant but it is to reject exaggerated, at times magical, claims for marijuana.
  
3. **The very first recommendation of the IOM study is to conduct more research into the effects of cannabinoids. Yet it is impossible to get marijuana in order to conduct research. Will you use the influence of your position to see that access to marijuana is placed on the "fast track" so that legitimate researchers can conduct the research called for in the IOM study?**
  - The Federal government has established a process for determining the safety and efficacy of drugs. It is a process that has been in place and has proven to work. I will continue to work with NIDA and FDA and NIH to ensure that this process is efficient and still protects the American public.

**4. The study very emphatically states (Page ES.7) that there is “no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs.” What does this say about the “Gateway Theory” that you have held?**

- The study actually supports the fact that most drug users begin with nicotine, move to alcohol, and then to marijuana. The new point brought out in this report is that the use of marijuana for medical purposes does not fall into the “gateway theory.”
- The significant point is that this study says that we need more research to determine just exactly where and how research on the compounds of marijuana should be conducted.

**5. Now that the IOM has concluded that there are potential medical benefits to marijuana, will the Federal government continue to arrest and incarcerate sick people who use the drug for pain relief?**

- There is nothing in the IOM report that concludes that there are benefits to smoked marijuana. In fact, the IOM report states that “smoked marijuana is unlikely to be a safe medication for any chronic medical condition.” (Page 3.48)
- This question goes to the crux of the problem. On one hand, we have people who want an excuse to smoke marijuana to get high, claiming that they have debilitating medical conditions. On the other hand, we have a small group of terminally ill people who believe (rightly or wrongly) that marijuana offers them some relief.
- Federal law enforcement policy will continue to be as it has been--focused on drug traffickers.
- What we really need is for pharmaceutical companies to develop alternative delivery systems for the compounds in marijuana.

**6. Will you now concede that there is medicinal value to marijuana?**

- The IOM report raises serious questions about the medicinal value of smoked marijuana.
- We’ve always supported the use of synthetic THC--dronabinol--in treating certain illnesses. The issue is smoked marijuana.
- What we need are alternative delivery systems to ensure that those few people who can’t take dronabinol have an effective means of deriving whatever benefits are available in THC without the harmful effects of smoke.

**FOR IMMEDIATE RELEASE**  
**Wednesday, March 17, 1999**

**CONTACT: Bob Weiner**  
**(202) 395-6618**

**WHITE HOUSE DRUG POLICY OFFICE ISSUES STATEMENT  
ON INSTITUTE OF MEDICINE'S REPORT  
ON MARIJUANA AND MEDICINE**

**(Washington, D.C.) – The White House Office of National Drug Policy (ONDCP) issued the following statement today following the release of the Institute of Medicine's report *Marijuana and Medicine: Assessing the Science Base*:**

In January 1997, ONDCP asked the Institute of Medicine to conduct a review of the scientific evidence for assessing the potential health benefits and risks of marijuana and its constituent cannabinoids. ONDCP believed that an objective and independent evaluation of research regarding the use of marijuana for medicinal purposes was appropriate given the ongoing debate about cannabis and its health effects.

The report released today by the Institute of Medicine represents the most thorough analysis to date of the relevant scientific literature. It summarizes recent advances in molecular and behavioral neuroscience, in particular newly elaborated systems of transmitters, receptors, and antagonists – all illuminating the physiological effects of cannabinoids. The Institute of Medicine has addressed all issues that ONDCP requested be examined, including: the science base and gaps in scientific knowledge regarding use of marijuana for medicinal purposes; scientific information about marijuana's mechanism of action; peer-reviewed literature on the uses of marijuana; and costs associated with various forms of the component chemical compounds in marijuana and other pharmacotherapies for special medical conditions. We thank the principal investigators, members of the advisory panel, biomedical and social scientists, patients, advocates, report reviewers, and all who supported the Institute of Medicine in developing this comprehensive report.

The report contains six specific recommendations that address:

1. Continued research into the physiological effects of cannabinoids.
2. Clinical trials of cannabinoid drugs for symptom management.
3. Evaluation of psychological effects of cannabinoids in clinical trials.
4. Studies of individual health risks in smoking marijuana.
5. Clinical trials of marijuana use under limited circumstances for medical purposes.
6. Short-term use of smoked marijuana under strict conditions for patients with debilitating symptoms.

These recommendations are supported by the following observations:

- Scientific data indicate the potential therapeutic value of cannabinoids for pain relief, control of nausea and vomiting, and appetite stimulation. This value would be enhanced by a rapid onset of drug effect.
- The psychological effects of cannabinoids are probably important determinants of their potential therapeutic value. They can influence symptoms indirectly, which could create false impressions of the drug effect or be beneficial as a form of adjunctive therapy.
- Numerous studies suggest that marijuana smoke is an important risk factor in the development of respiratory diseases, but the data that could conclusively establish or refute this suspected link have not been collected.
- Because marijuana is a crude THC delivery system that also delivers harmful substances, smoked marijuana generally should not be recommended for medical use. Nonetheless, marijuana is widely used by certain patient groups, which raises both safety and efficacy issues.
- If there is any future for marijuana as medicine, it lies in its isolated components -- the cannabinoids and their synthetic derivatives. Isolated cannabinoids will provide more reliable effects than crude plant mixtures. Therefore, the purpose of clinical trials of smoked marijuana would not be to develop marijuana as a licensed drug, but such trials could be a first step towards the development of rapid-onset, nonsmoked cannabinoid delivery systems.

ONDCP appreciates the contributions made by the Institute of Medicine to the debate on the medical efficacy and safety of cannabinoids. We will carefully study the recommendations and conclusions contained in this report. We will continue to rely on the professional judgement of the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Surgeon General on all issues related to the medical value of marijuana and its constituent cannabinoids. We note the report's conclusion that "the future of cannabinoid drugs lies not in smoked marijuana, but in chemically-defined drugs that act on the cannabinoid systems that are a natural component of human physiology." We look forward to the considered responses from our nation's public health officials to the interim solutions recommended by the report.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 19:28:46.00

SUBJECT: Re: Single Sex Education and Admissions

TO: Edward W. Correia ( CN=Edward W. Correia/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

where are the agencies these days?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 10:50:26.00

SUBJECT: here you go

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/17/99 10:52 AM -----

Devorah R. Adler  
03/17/99 10:42:09 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: here you go

I apologize about the mix-up -- here it is with your edits.

Devorah

---

Q: What is the President's response to the Patients' Bill of Rights legislation that will be marked up by the Senate Labor Committee this Wednesday?

A: We have not seen the details of the legislation Senator Jeffords intends to mark up this Wednesday, but all indications are that it will fall far short of what is necessary to meet the needs of patients in a rapidly changing health care system. We understand that it will not cover tens of millions of Americans; that it will not have a standard to prevent HMOs from making arbitrary coverage decisions; and that it will have a wholly inadequate mechanism to enforce patients' rights. This helps explain why every major patient, doctor, and nurse advocacy organization has concluded that the Chairman's mark is flawed and falls far short of what is needed to protect patients.

Senator Kennedy and the rest of the Committee Democrats are planning on offering amendments that, if passed, would make this legislation acceptable to the President. It is our hope that Senator Jeffords and the rest of the Committee works towards passing a strong, comprehensive, and bipartisan Patients Bill of Rights that the President can sign. Today represents the first test of this new Congress to see if it is serious about patient protections. (This is the first Committee mark-up on the Patients' Bill of Rights in this Congress). The President is urging that the Committee to do everything it can to pass this test with flying colors.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 14:33:35.00

SUBJECT: Long Term Scheduling Meeting

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

TEXT:

please schedule

----- Forwarded by Elena Kagan/OPD/EOP on 03/17/99 02:35  
PM -----

Karin Kullman  
03/17/99 02:11:50 PM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: Long Term Scheduling Meeting

FYI -- In preparation for tomorrow's 5pm long term planning meeting, I am planning to meet with Bruce around 2pm tomorrow to go over the running list of event ideas I have from the staff.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 13:22:24.00

SUBJECT: Re: I've also made some changes in this -- pls check ASAP to make sure it's ok.

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

READ:UNKNOWN

TEXT:

looks good

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-MAR-1999 19:27:30.00

SUBJECT: Re: Speaking about FY2000 Native American budget

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

READ:UNKNOWN

TEXT:

no problem.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 10:58:15.00

SUBJECT: Re: one more! sorry

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

TEXT:

no problem. I'm well aware that we often miss your deadlines even though you've gotten your list to us promptly at 9:00.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 11:59:49.00

SUBJECT: second try

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

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/18/99 12:02  
PM -----

Devorah R. Adler  
03/18/99 11:49:54 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: second try

here you go.

Q: What is the President's response to the Patients' Bill of Rights legislation that is presently being marked up by the Senate Labor Committee?

A: The legislation Senator Jeffords intends to mark up today falls far short of what is necessary to meet the needs of patients in a rapidly changing health care system. It will not cover tens of millions of Americans; it will not have a standard to prevent HMOs from making arbitrary coverage decisions; and it will have a wholly inadequate mechanism to enforce patients' rights. This helps explain why every major patient, doctor, and nurse advocacy organization has concluded that the Chairman's mark is flawed and will not adequately protect patients.

Clearly, we are disappointed that the Democratic substitute bill did not receive a majority vote. However, we believe that this legislation can, must, and will be improved as the legislative process proceeds. Today and tomorrow there will be a number of strengthening amendments to the underlying Chairman's mark which we hope will receive consideration. Regardless we agree with Senators Daschle and Kennedy that this bill will be improved on the Senate floor when the entire public is focused on a debate of the issues at stake.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 09:15:37.00

SUBJECT: guidance

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

TEXT:

could you review what we gave to the press office yesterday (as edited),  
with an eye toward (1) how the papers reported this and (2) what  
McCaffrey's line was. We may need 2 or 3 q&a on this topic.  
----- Forwarded by Elena Kagan/OPD/EOP on 03/18/99 09:16  
AM -----

Elizabeth R. Newman  
03/18/99 08:36:54 AM  
Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP, Jose Cerda III/OPD/EOP, Leanne A.  
Shimabukuro/OPD/EOP, Elena Kagan/OPD/EOP  
cc:  
Subject: guidance

can we get updated and more extensive medical marijuana guidance for both  
Joe's briefing and the president's briefing book? thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 10:22:45.00

SUBJECT: one more! sorry

TEXT:

can we do this ASAP. thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 03/18/99 10:24  
AM -----

Elizabeth R. Newman  
03/18/99 09:57:33 AM  
Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP, Elena Kagan/OPD/EOP  
cc:  
Subject: one more! sorry

and PBOR - if anything to add from mark-up

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 11:59:03.00

SUBJECT: second try

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/18/99 12:01 PM -----

Devorah R. Adler  
03/18/99 11:49:54 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: second try

here you go.

Q: What is the President's response to the Patients' Bill of Rights legislation that is presently being marked up by the Senate Labor Committee?

A: The legislation Senator Jeffords intends to mark up today falls far short of what is necessary to meet the needs of patients in a rapidly changing health care system. It will not cover tens of millions of Americans; it will not have a standard to prevent HMOs from making arbitrary coverage decisions; and it will have a wholly inadequate mechanism to enforce patients' rights. This helps explain why every major patient, doctor, and nurse advocacy organization has concluded that the Chairman's mark is flawed and will not adequately protect patients.

Clearly, we are disappointed that the Democratic substitute bill did not receive a majority vote. However, we believe that this legislation can, must, and will be improved as the legislative process proceeds. Today and tomorrow there will be a number of strengthening amendments to the underlying Chairman's mark which we hope will receive consideration. Regardless we agree with Senators Daschle and Kennedy that this bill will be improved on the Senate floor when the entire public is focused on a debate of the issues at stake.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:18-MAR-1999 17:46:53.00

SUBJECT: RECEIVED: NEW Update on Arkansas child support

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

NEW Update on Arkansas child support

was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

03/18/99 05:31:51 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 10:19:59.00

SUBJECT: Re: PBOR

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

TEXT:  
feel free

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 10:23:17.00

SUBJECT: one more! sorry

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

TEXT:

can you do this asap, off yesterday's q&a? thanks.

----- Forwarded by Elena Kagan/OPD/EOP on 03/18/99 10:25  
AM -----

Elizabeth R. Newman  
03/18/99 09:57:33 AM  
Record Type: Record

To: Paul J. Weinstein Jr./OPD/EOP, Elena Kagan/OPD/EOP  
cc:  
Subject: one more! sorry

and PBOR - if anything to add from mark-up

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 10:24:33.00

SUBJECT: Re: one more! sorry

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

TEXT:

It would be really helpful if we could one list as early in the morning as possible. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 11:57:39.00

SUBJECT: Re: tobacco q&a for 3/18

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

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

TEXT:

I doubt Joe will get questions, but if he does, he should just say that we've never explored this issue, but will review any future lawsuit that makes this claim against the companies.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 11:58:46.00

SUBJECT: Re: tobacco q&a for 3/18

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

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

TEXT:

I don't think Joe will get questions, but if he does, he should just say that we've never looked into this question, but will review any lawsuit making this claim against the tobacco companies.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:18-MAR-1999 12:37:01.00

SUBJECT: RECEIVED: Stevens just took TANF cut out of supp/replaced it with HUD

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

READ:UNKNOWN

TEXT:

RETURN RECEIPT

Your Document:

Stevens just took TANF cut out of supp/replaced it with HUD  
was successfully received by:

CN=Elena Kagan/OU=OPD/O=EOP

at:

03/18/99 12:30:19 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 07:46:56.00

SUBJECT: Re: Statement by the President: Patients' Rights Legislation

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

TEXT:

No problem. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 10:22:17.00

SUBJECT: Re: guidance

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

TEXT:

no new q &a on ed flex or medicare. new tobacco q&a will be down in a moment.

RECORD TYPE: PRESIDENTIAL (NOTES READ RECEIPT)

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

CREATION DATE/TIME:18-MAR-1999 17:46:52.00

SUBJECT: RECEIVED: Karen Tramantano and the welfare rule

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

TEXT:  
RETURN RECEIPT

Your Document:  
Karen Tramantano and the welfare rule  
was successfully received by:  
CN=Elena Kagan/OU=OPD/O=EOP  
at:  
03/18/99 05:34:31 PM

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-MAR-1999 11:54:36.00

SUBJECT: second try

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

READ:UNKNOWN

TEXT:

----- Forwarded by Elena Kagan/OPD/EOP on 03/18/99 11:57 AM -----

Devorah R. Adler  
03/18/99 11:49:54 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc:  
Subject: second try

here you go.

Q: What is the President's response to the Patients' Bill of Rights legislation that is presently being marked up by the Senate Labor Committee?

A: The legislation Senator Jeffords intends to mark up today falls far short of what is necessary to meet the needs of patients in a rapidly changing health care system. It will not cover tens of millions of Americans; it will not have a standard to prevent HMOs from making arbitrary coverage decisions; and it will have a wholly inadequate mechanism to enforce patients' rights. This helps explain why every major patient, doctor, and nurse advocacy organization has concluded that the Chairman's mark is flawed and will not adequately protect patients.

Clearly, we are disappointed that the Democratic substitute bill did not receive a majority vote. However, we believe that this legislation can, must, and will be improved as the legislative process proceeds. Today and tomorrow there will be a number of strengthening amendments to the underlying Chairman's mark which we hope will receive consideration. Regardless we agree with Senators Daschle and Kennedy that this bill will be improved on the Senate floor when the entire public is focused on a debate of the issues at stake.